

The University of Chicago

THREE CENTURIES OF POOR LAW
ADMINISTRATION

A STUDY OF LEGISLATION IN RHODE ISLAND

A DISSERTATION SUBMITTED TO THE FACULTY OF
THE SCHOOL OF SOCIAL SERVICE ADMINISTRATION
IN CANDIDACY FOR THE DEGREE OF DOCTOR OF
PHILOSOPHY

1935

By
MARGARET CREECH

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INTRODUCTORY NOTE

By EDITH ABBOTT

This study of the "annals of the poor" in a state like Rhode Island, with public records covering three centuries of poor law history, will be indispensable to all students of modern social welfare problems. For poor law reform continues to be one of the most exigent of those problems. The poor law has been our oldest form of "social security," and our failure to re-write the statutory provisions for poor relief according to modern social welfare principles is a neglected public duty which social workers share with legislators and other public officials.

This study by Dr. Margaret Creech traces the history of the old "pauper laws" under the principle of local responsibility adopted by the first Assembly of the Rhode Island colony, which "agreed and ordered" that each town should "provide carefully for the relieve of the poor." The system of local support of poor relief has continued in this New England state, as in all the other parts of this country, down to the present day.

In spite of the deterrent methods of these old poor relief statutes, Dr. Creech finds that in Rhode Island, an ancient stronghold of democracy, there was a "genuine sympathy and a feeling of responsibility for the ancient neighbors"; and she has traced some quite unique "case histories" through her study of the town and assembly records.

The early citizens of Providence, when they held a town meeting "under a Tree by ye Waterside," and when they considered their empty treasury, were reluctant to receive new inhabitants who seemed likely to be chargeable. But settlement regulations, even if they were a wise and justifiable policy in the provincial and narrowly restricted life of the early colony, certainly have no place in the modern industrial state. "To take care that Strangers be not Enter-tained" may have been necessary for an almost destitute colony of the seventeenth century, but it is clearly unsuitable for one of the important textile states of the present day—a state which main-

tained a steady demand for immigrant workers and encouraged immigration in order to have an adequate labor supply for that remarkable industrial development of the nineteenth century, which continued well through the first quarter of the twentieth century. Dr. Creech quite properly devotes a special chapter to the vexed question of settlement regulations, and she finds not only that Rhode Island is today one of the most difficult states in the Union in which to gain residence, but that there is still much that is "often complicated and obscure" in questions regarding settlement.

Work relief, with the distinction between "employables and unemployables," is not a recently discovered poor relief policy. It is as old as the oldest poor laws, and is in direct line of descent from the Elizabethan statutes. The first court of election held in the Rhode Island colony in 1647 made "provision for the poore, soe that the impotent shall be mainteyned and the able employed," and the first Colonial Assembly also agreed to "maintayne the impotent, and to employ the able." Again, in the eighteenth century, the important statute of 1798 was an "Act providing for the Relief, Support, *Employment* and Removal of the Poor." Again, when a spirit of reform was at work just after the middle of the nineteenth century, work relief was again a method proposed to solve the still unsolved problem of proper provision for the destitute members of the rapidly growing state.

As early as 1775 there appeared a slight modification of the principle of local responsibility when the colony assumed the expense of the relief of the destitution which came as a result of the Revolutionary War, when the "red-coats" had committed depredations and left property sadly damaged. And "cash grants as well as firewood and food" were granted by the State Assembly for a period of six years. But the principle of local responsibility continued as the emergency period receded.

The method of local responsibility belongs to the period when the first almshouse of Newport allowed the wards of the institution "to beg in the streets" in order to help provide their support; to the period when "vagrant and mad persons" were sent to a house of correction; when "stragglng persons" could be quite properly "returned to the town in which they belonged." At this period child

labor was a method of providing for the poor, which was easily justified as a valuable method of disciplining youth. The care of dependent children in the seventeenth century is illustrated by the case Dr. Creech has given of little Sarah Rysbie, "aged six years next May," who was bound out apprentice for a period of twelve years. The care of the sick poor is illustrated by the case of Elizabeth Heger, who was to be cared for by a physician, but "in case hee cannot cure her, hee will have nothings for his pains." Methods of compensation for the medical profession, methods of medical care, including methods of "inoculating for the Smallpox," are certainly not as they were in the seventeenth century. And the early poor law methods of local responsibility and settlement regulations which belonged to the seventeenth century, like the early methods of raising poor funds and the provision of medical care, do not belong to the present day.

In Rhode Island, the poor law still bears the title adopted in 1857, when it became an act "Of the Settlement and Support of Paupers and the Prevention of Pauperism," and this old statute contains four chapters—"Of the Settlement of Paupers," "Of the Support and Discipline of Paupers," "Of Keeping out and Removing Paupers," and the fourth chapter, "Of Children Born out of Wedlock," had, until 1926, the title, "Of the Maintenance of Bastard Children." This pauper law, based on the principle of local responsibility, and planned for a period far removed from the modern industrialized state, has continued into the twentieth century. Every town in the state, so reads one of the mandatory statutes that still remain part of the poor law system of today, "shall be holden to relieve and support all poor and indigent persons, lawfully settled therein. . . ."¹

This story, which Dr. Creech has told so competently, of the old poor law system of the parochial days of Elizabethan England as it was transplanted to one of the older colonies of New England, traces the evolution of the more elaborate system that gradually developed after the industrial revolution. Here, in the "short and simple annals of the poor," are the old systems of "warning out," of "selling the poor," "auctioning off the poor," and "letting out the poor," which

¹ See *General Laws of Rhode Island*, 1923, Title XII, c. 105, "Of the Support and Discipline of Paupers," sec. 1, p. 498.

were for so long the accepted social policies. The system of "auctioning off the poor" meant that the poor "were moved frequently, sometimes annually, from one contractor to another." In one town, the poor were "let out," by "putting them up at auction in separate lots." Here is the iniquitous story of contractors and subcontractors, who were the lowest bidders among the would-be "farmers of the poor." And here is the story of the establishment, in the first quarter of the last century, of the poorhouse, which was called the "Asylum for the Poor." In the town of Newport (p. 183) the secretary was instructed "to advertise" as one of the "public paupers" to be disposed of, "Lucy Marsh and her infant child," to be hired "for one year." The town of Exeter (p. 187) continued the policy of "letting out the poor" into the latter half of the nineteenth century. In 1832, the town council "voted and put out the poor of the Town all that is now on or that may come on the town for one year" for \$475.

It is interesting that one of the earlier poor law reformers of the period before the Civil War was a member of a well-known and wealthy family of the textile manufacturing group. Thomas R. Hazard was a real crusader who exposed many of the iniquities of the old system when he was appointed a special commissioner to report on the condition of the "pauper poor and insane persons" in 1850. But in spite of the Hazard report, in spite of the newly organized State Board of Charities after the Civil War, and in spite of a change in terminology under which the Overseers of the Poor became Directors of Public Aid, the old system lives on.

It is hoped that a study of this kind, which shows the miseries of that neglected group in our social order over a period of three hundred years, and sets out all the abuses and inefficiencies of these old, deterrent poor law methods still on the statute books of most of our American states, may be of assistance to those who share a new interest in a better form of social security for all those who are unemployed or unemployable and are still the victims of an antiquated system of local support and care. The Elizabethan poor law, from which our poor law descended, was a national statute in the sixteenth century; the "great poor law" of 1601 was a national law; the English "poor law amendment act" of 1834, a very important statute, established a national poor relief administrative authority for Eng-

land more than a century ago. But our American poor law systems were of necessity placed on an intensely local basis in the days of colonial organization, and our Middle Western and Western states have copied this entirely local system of New England, which England has really never had.

A final word needs to be said here regarding the omission, in this volume, of the series of court decisions and opinions of the attorney-general, which have been published among the appendixes in the other poor law histories in this series. Miss Breckinridge, who has edited these decisions for the earlier volumes, thought the Rhode Island decisions of minor importance, and also recommended their omission in view of the greater length of this study.

AUTHOR'S PREFACE

The present-day emphasis upon the need for a revision of the archaic and obsolete provisions of state legislation providing for the care of the destitute leads to a recognition of the value of the study of the history of this legislation and its administration. In order to understand the development of these laws it is necessary to trace their adoption and their adaptation from the Elizabethan law brought from England. No better source for this study is afforded than through the statutes and their administration in the New England states, which as colonies first adopted the English provisions, whence the traditions were carried west as new territory was settled.

Rhode Island offers an opportunity for a study of three hundred years of legislation and of the means by which this legislation was administered. In addition to the statutes, Supreme Court decisions afford a means of tracing the development of the legislation while town records offer an almost untouched opportunity for a study of its use. As more general interest resulted in some degree of centralization, state reports dealing with some fields of service became available.

The three centuries of public care for the destitute and handicapped in Rhode Island divide naturally and logically into two even periods. The first era continues from the original settlement at Providence in 1636 to the beginning of the nineteenth century, with the ratification of the constitution by the colony in 1790 or to the codification of the laws which followed in 1798. The methods of care during this first century and a half show an attempt to transplant and adapt the provisions of the Elizabethan Poor Law to a pioneer community of great poverty. During this era must be noted not only the attempts to administer the provisions of this law by the original independent settlements but also the later efforts when these settlements united to form a new colony. Thus Rhode Island offers, similarly to the other original colonies, one hundred and fifty years of

poor law administration before the territorial beginnings of many of the other states.

While no provision for common methods of caring for the destitute was made for several years after the first settlements in Rhode Island,¹ a study of individual town records shows, in the few cases included, no divergence between the methods used after the formal adoption of the Elizabethan Poor Law and the previous informal carrying-on of traditions of poor relief brought from England by the colonists. The principle of local responsibility prevailed before the organization of a central government, and it prevailed no less strongly thereafter. In no place has there been a purer example of the town (township) system of local government. The counties were judicial districts only and had (and still continue to have) no administrative functions. Even the limited powers granted to these jurisdictions of the neighboring colonies in relation to poor relief were not found in Rhode Island. As will be seen later,² the early central government was at best a weak federation and the towns uniting were almost independent settlements parting "with no more power than they deemed the exigency of the case required."³

The interest in the early period lies chiefly in tracing the development of the principles and administration of the law from the first direct adoption of the principles of the Elizabethan statute to the later inclusion of detailed provisions in the colonial code, this often taking place long after the principles had been established in the administration. No attempt has been made to compare either the statutory provisions or the administration of poor relief in early Rhode Island with that of the other colonies. Dissent must be expressed, however, from the conclusions of Charles Francis Adams regarding the charity of the age, as being that typical of Rhode Island. He says, ". . . The charity of those early days was cold. Indeed anything colder could not well be conceived. It acknowledged in the poor and unfortunate a right to live; and that was all."⁴ Inexpert-

¹ I.e., the first assembly in 1647.

² See below, chap. i, pp. 4-5.

³ William Read Staples, *Annals of the Town of Providence, from Its First Settlement to the Organization of the City Government in June, 1832* (Providence: Knowles & Vose, 1843), p. 68.

⁴ *History of Braintree, Massachusetts (1639-1708), the North Precinct of Braintree (1708-1792) and the Town of Quincy (1792-1889)* (Cambridge: Riverside Press, 1891), p. 122.

ness and lack of skill there undoubtedly were, but inattention and coldness were not typical of the care given to those persons for whom the towns of Rhode Island actually acknowledged responsibility.

The second period of the study, dating from the end of the eighteenth century, affords both an analysis of the development of the inherited poor law⁵ and the newer principle of state responsibility for the care of the destitute and handicapped. At the beginning of this period the population of the state was 68,825.⁶

At the end of the eighteenth century, various statutes having to do with the care of the destitute and handicapped were assembled and codified into "An Act Providing for the Relief, Support, Employment and Removal of the Poor,"⁷ thus defining the principles which have changed but little since that time. The responsibility of the government was clearly recognized by statute and by practice. Evidence of the importance attached to this function as a public duty was also given by the private legacies left in certain towns to be administered by the overseers for the relief of the destitute. In some cases these funds were large enough practically to cover the expenditure necessary.

An awakening of interest in the care of the poor is clearly discernible at the beginning of the nineteenth century. Although it is true that this interest may have been chiefly based upon a desire for economy, its effect upon the method of care provided to the needy became a most important factor in the development of poor law administration. The attempt to find a more economical system reflects at the same time some evidence of a desire to find more satisfactory means of providing support to the destitute. Through the trial-and-error method, the towns arrived at the basis for judgment which led to the development of the almshouse system. While the final results of this almshouse system may be deplored, consideration should be given to the fact that it was an improvement as compared to the "vending" or auctioning of the destitute which had previously prevailed. The regret becomes, then, that the system continued

⁵ "An Act Providing for the Relief, Support, Employment and Removal of the Poor," *Public Laws of the State of Rhode Island and Providence Plantations* (revision of 1798), pp. 348-58.

⁶ Staples, *op. cit.*, p. 353.

⁷ See below, chap. vi, pp. III-12.

for so long a period, rather than that it was established as a means of bettering existing evils, and comparisons should be made with the past and not with future ideals.

Furthermore, while responsibility for those persons with legal residence was definitely acknowledged, both the statutes and the administration placed greater emphasis upon the means for preventing the necessity of assuming such responsibility than upon the methods by which it should be fulfilled. Not only, until the immediate present, have Rhode Island's settlement requirements been the least liberal of any state, but elaborate provisions have been included for keeping out persons in danger of becoming destitute and removing the "unsuitable" as well as the already destitute. It is interesting to speculate, although no conclusion is possible, concerning the total effect of this procedure—whether by making difficult a change of residence which might have led to the betterment of conditions, destitution has not been increased, as Blackstone and Adam Smith believed it would be, by the requirement that persons live in communities affording inadequate opportunities for their welfare. Some reorganization of material has been made in this study for the sake of clarity. Thus the provisions of the statutes regulating the procedure of removal are discussed in relation to the settlement regulations, where they logically belong, instead of in relation to the means of providing relief where they are found in the statutes.

The middle of the nineteenth century marked the beginning of a more general interest in the condition of the destitute and in methods of care for them. The dawning awareness that there were individuals with physical and mental handicaps and with problems of destitution, as opposed to the traditional belief in the existence of a pauper class, was made manifest in several ways. The appointment of a commissioner in 1850 to study the condition of the poor and insane was an immediate result of this interest while the report of the investigation was the basis for future activity. For the first time, acknowledgment was made that local responsibility might not be entirely adequate to meet the needs of all the poor and helpless. It is impossible to say to what extent the belief that poverty was inevitable was responsible for the continued delegation of the care of the destitute to local units of government with their characteristic in-

adequacies, while specialized care by the state was provided for certain groups of the sick and handicapped. On the other hand, there may have been a subconscious feeling that poverty was a problem too big to be attacked by any yet conceived method, or by one reconcilable with the social theory of the period. The idea of individual blame, as well as that of the destitute as an inferior class, was tenacious. That any responsibility for the "inferiority" of the "pauper class" should be placed upon the method of giving relief or the amount of relief given, rather than upon the laws of heredity, did not enter the thinking of the period.

Developments in the biological sciences made possible the recognition of feeble-mindedness, insanity, deafness, and other personal handicaps, while improvements in the art of medicine and of education made better treatment and care possible for these groups. Furthermore, a feeling of pride and satisfaction was gained through the building and equipping of large institutions, which in addition usually provided the best care then known.

On the other hand, the existence of a large group of persons with no apparent handicap except that of destitution was a problem too big to be faced in any constructive manner. Palliative measures which tended toward deterrence seemed the only solution. Change in the methods of care for the destitute, with the realization that deterrent measures on the part of local jurisdictions were inadequate, could only come with a change in social attitudes.

No attempt will be made to analyze the interrelated factors which hindered the revision of the archaic poor law and of adequate public care for the destitute. However, it is clear that there must be substituted a recognition of the importance of such causal factors as social, political, and economic policies and practices, for the belief that poverty was either due to individual fault or that the "pauper class," so often referred to in the period under consideration, was an integral part of social organization.

Furthermore, it must be realized that when social maladjustments are due to individual problems, only the larger units of government can provide adequate funds, skilled personnel, and the necessary standards and uniformity to secure the applicable methods of treatment.

As was characteristic of public welfare development in the middle of the nineteenth century, Rhode Island ignored the destitute in its progress toward centralization which followed the investigation of the commissioner in 1850. While it is true that certain reforms in local jurisdictions came as a direct result of that report, these were negative in that they attempted to correct existing abuses rather than being positive or constructive in their objectives. When, six years after that report was made, the poor law was reorganized and re-written, the change was one of form and not of principle. It was at the time of that revision, too, that the use of the word "pauper" was introduced into the title of the act. Principles then set out remained as they had been in the previous century, and as they are in the present one, the third century of the existence of the statute.

The history of the development of state responsibility for special groups in Rhode Island is extremely interesting, but it lies outside the scope of a study of the poor law. While special provision was made in the poor law for two groups, the Narragansett Indians and the so-called bastard children, this will not be dealt with in this study, because of the introduction of principles not applicable to the care of the destitute. The Board of State Charities and Corrections was established in 1869, Rhode Island being the fourth state to take this step of centralization. Unlike the other states, however, where the newly created boards were faced with problems of wastefulness and inefficiency in existing institutions, the Rhode Island board was faced with the task, given to it by the creating act, of establishing and organizing a state farm on which there were to be an almshouse, an asylum for the incurable insane, a state workhouse and house of correction, constituting a degree of physical centralization that would not have been practicable in a larger state. To be sure, there existed problems arising out of the principle of local responsibility and the haphazard growth of certain of the state agencies for the destitute and handicapped, and the focusing of the attention of the Board on the new institutions may have been responsible for keeping their interest from what now seem obvious needs during that early period of development of central administration. The planned establishment of state care, however, for diverse types of needs, at one time and in one location, afforded unique and interesting possibilities.

The organization and development of the Board of Charities and Corrections itself, over a period of sixty-five years, with the problems arising because of a lack of clarity in regard to divisions of responsibility between itself and the administrative agents, the struggle for representation of women, and the several changes in form and title offer an interesting study in public welfare administration which has not been made. A new chapter began in 1935, with the abolition of the State Public Welfare Commission, then functioning as the central welfare authority, and the establishment of a Department of Public Welfare as one of the eleven departments of state government.

The precedent established with the beginning of centralization, however, of state provision for only such poor persons as had no legal residence in any town, or of providing an opportunity for the towns to board such destitute or sick persons as they desired at the central institution, has remained to the present time. The tradition of institutional care which was set by the local almshouse and transferred to the central unit with the establishment of the state almshouse has never been overcome by a state system of "outdoor" relief. The establishment of this state almshouse as a haven for all groups of the destitute refused care by local units under the strict settlement laws meant to a certain extent the delay of specialized care for these groups. The similar lack of classification and of segregation as had existed in the local almshouse developed within the state institution. The realization that in centralized care also lay dangers of inadequacy, unless adapted to individual needs, came slowly. Confusion arose, too, over the interrelation of the responsibility for certain destitute and handicapped persons, and thus a feeling arose that local units used the state almshouse and workhouse as a means of shirking their own responsibilities—another phase of the tradition of avoiding obligation rather than providing for the needy.

The almshouse system had, however, completed its cycle by the beginning of the twentieth century and has now returned numerically to its size at the beginning of the period of agitation for its increase, over three-quarters of a century ago.

While no effort has been made to discuss in detail the present-day local administration of poor relief, in any unit of jurisdiction, lack of uniformity and varying standards characteristic of local responsi-

bility still exist. Laymen serving as elected or appointed directors of public aid (overseers of the poor) administer their duties from their homes or places of business; reports of town disbursements for poor relief are published with names of persons receiving these grants. In some places, however, professional service is found and integration with emergency-relief funds has been provided.

Basic, too, are the obsolete and archaic provisions of a poor law which still places a penalty upon a railroad, a ship, or an individual for bringing into the state a person who may become destitute; or which provides that a person, although he may not have asked for assistance, may be removed by a constable or town sergeant from a town in which he has thought to better his condition; or which penalizes a citizen who provides a residence for a person whom the town council deems undesirable; or carries a provision disfranchising a citizen who has become destitute to such a degree that public aid is necessary. Whatever justification such principles may have had in the settlement and growth of a state during the seventeenth, eighteenth, and nineteenth centuries, their value has become obsolete in the social and economic organization of the twentieth century.

There remains yet to express gratitude to certain individuals whose interest and assistance have made this work possible. While it is not feasible to list all these persons, I wish first to mention the inexpressible debt to Professor Sophonisba P. Breckinridge, through whose stimulating guidance interest in the field of public welfare has developed. In Rhode Island among others should be mentioned the kindly interest and assistance of Mr. Herbert O. Brigham, state librarian, and Mr. Thomas E. Murphy, secretary of the former Public Welfare Commission, the several town clerks in whose offices local records were read, and the office of the Rhode Island Historical Society. To Miss Maud E. Lavery, research assistant in Social Service Administration, is expressed appreciation for invaluable help in final preparation of the copy. Finally, the editors of the series join with me in expressing warm appreciation of the co-operation of the Social Science Research Committee of the University of Chicago, who have made possible the publication of this study.

M. C.

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PART I
THE COLONIAL PERIOD

CHAPTER I

THE COLONY AND THE STATE OF RHODE ISLAND

It is impossible to discuss, adequately, either the colonial provision for relief of the destitute or the development of the poor law in the modern era in Rhode Island without placing these aspects of administration in their proper historical and political setting.

Much emphasis has been given by historians of Rhode Island to the individuality and the peculiarities of those persons who first settled there.¹ The founding of Rhode Island was unique. The picturesque story of the banished Roger Williams setting forth, in 1636, in a canoe, and unintentionally establishing a refuge for the poor and persecuted is too well known for repetition here. The resulting settlement was not sponsored or financed by a company of rich traders, merchants, or planters,² but founded by a handful of poor men following their leader to seek the right to individual liberty—and there were many beliefs as to what constituted “liberty”—with the result that the population of this colony was not homogeneous like that of most of the other original settlements.³ Thus these characteristics have been described:

The population of the rest of the colony [Newport excepted] was singularly heterogeneous. The home of soul-liberty became not unnaturally the home of rampant individuality. Many men flocked to it to find freedom not only for troubled consciences but also for troublesome eccentricities. Adventurers came full of restless ardor, chafing at every restraint. Men with all sorts of hobbies and whimsies in religion and politics came to enjoy or to propagate them. Men of licentious lives and vicious propensities came driven out of their old haunts and seeking fresh fields for indulgence. Hence an immiscible medley of ill-

¹ William Babcock Weedon, *Early Rhode Island: A Social History of the People* (New York: Grafton Press, 1910), pp. 24-25.

² Henry C. Dorr, “The Planting and Growth of Providence,” *Rhode Island Historical Tracts* (Providence: S. S. Rider, 1882), No. 15, p. 56. (Hereafter referred to as *R.I. Hist. Tracts*.)

³ See William Eaton Foster, *Town Government in Rhode Island* (“Johns Hopkins University Studies,” 4th ser., II [Baltimore: Johns Hopkins Press, 1886]), for a discussion of the origin and development of local responsibility in Rhode Island.

assorted minds teeming with the feuds and follies of a reckless self assertion. Hence, too, a disintegrating growth of local as well as personal jealousies and dissensions.⁴

Extreme independence of the first settlements is not unexpected with such a beginning.⁵ Providence, founded in 1636, Portsmouth in 1638, Newport in 1639, Warwick about 1642, were not united under an organized government until 1647, although a charter had been granted by King Charles I in 1643.⁶ It was, in fact, need for external protection, such as fear of Indians and of the encroachments of other colonies,⁷ that brought about this union; hence the settlements remained practically independent.⁸ The degree of isolation and provincial self-government has been defined as follows:

Nowhere, however, was it more completely the case from the first; and nowhere did the tendency continue longer than in Rhode Island. Self government in fact could safely be pronounced the essential principle in its political theory and practice. When, at some future time, the Rhode Island town governments of the seventeenth century shall receive the comprehensive study which so fascinating a field invites, it will be found that they were scarcely less than little "states" in the functions which they exercised: and that the successive steps by which they were brought to unite in the first general assembly of 1647, and later to accept the more rigid restraints of the Charter of 1663, may as truly be described as concessions "extorted from the grinding necessity of a reluctant people," as in the case of the great political event [adoption of United States Constitution] of which these words by John Quincy Adams were written.⁹

⁴ Thomas Durfee, "Gleanings from the Judicial History of Rhode Island," *R.I. Hist. Tracts* (1883), No. 18, p. 18.

⁵ James N. Nutting, "The Poor, the Defective and the Criminal," *State of Rhode Island and Providence Plantations at the End of the Century*, ed. Edward Field (Boston and Syracuse: Mason Publishing Co., 1902), III, 431: "The settlements at Providence, at Warwick and on the Island of Aquidneck were at first and for several years in all respects separate and independent colonies. Neither of them was recognized by charter or patent and neither had protector or patron in England. In a very real sense each was apart and separate from all the rest of the world besides."

⁶ *Records of the Colony of Rhode Island and Providence Plantations in New England*, ed. John Bartlett (Providence: A. C. Greene & Bros., 1856-65), I, 143-46. (Hereafter referred to as *R.I. Col. Recs.*)

⁷ Samuel Green Arnold, *History of the State of Rhode Island and Providence Plantations* (New York: D. C. Appleton & Co., 1859-60), I, 113.

⁸ William Read Staples, *Annals of the Town of Providence from Its First Settlement to the Organization of the City Government in June, 1832*, p. 136.

⁹ W. E. Foster, "Stephen Hopkins: A Rhode Island Statesman," *R.I. Hist. Tracts* (1884), Part I, No. 19, pp. 157-58.

The charter obtained in 1643, which became the basis for this first unified government, is said to have given more opportunity for self-government than any charter granted before or by but one since.¹⁰ Authority was given to pass legislation, to design a constitution, and to set up a form of government "most suitable to their estate and condition." These were, furthermore, to "be conformable to the Laws of England, *so far as the Nature and Constitution of the place will admit.*"¹¹

Similar freedom was given under the charter of 1663, granted upon the restoration of Charles II. This provided that the laws, ordinances, and constitutions of the colony be "not contrary and Repugnant unto, But as near as may be, agreeable to the Laws of this Our Realm of *England considering the Nature and Constitution of the Place and People there.*"¹²

Formal acceptance of these provisions was expressed by the first general court of election¹³ as well as by later assemblies.¹⁴

This second charter remained the basis of government throughout the stormy period of state and national development until the adoption of a new constitution in 1843—a period of one hundred and eighty years.¹⁵ Rhode Island was said from the time of its granting to have "become in fact, and almost in name, an independent State."¹⁶

The town governments which had been set up before the receipt of the charter were simple and direct, with slow development of delegation of power. There was, therefore, a large amount of administrative detail in town meetings. Warwick had not even established a government or judiciary previous to the federation with

¹⁰ Arnold, *History of the State of Rhode Island*, I, 200; Staples, *op. cit.*, pp. 55-56.

¹¹ *R.I. Col. Recs.*, I, 145. (Italics not in original.)

¹² *The Charter and the Acts and Laws of His Majesties Colony of Rhode Island and Providence Plantation in America, 1719: A Facsimile Reprint with Bibliographical and Historical Introduction* by S. S. Rider (1895), Charter, p. [3]. (Hereafter referred to as *Acts and Laws*.) (Only "England" italicized in original.)

¹³ Thus in *R.I. Col. Recs.*, I, 147: "Wee do voluntarily assent, and are freely willing to receive and to be governed by the Lawes of England, together with the way of the Administration of them, soe far as the nature and constitution of this Plantation will admit. . . ." See also p. 158.

¹⁴ *Acts and Laws* (1719), p. 45.

¹⁵ Weeden, *op. cit.*, p. 69.

¹⁶ Arnold, *History of the State of Rhode Island*, I, 290-94.

the other towns at the assembly in 1647. At this time it was granted a charter by the assembly and taken into the union on equal terms.¹⁷

The government established by the colony was hardly less simple. In carrying out the desire to be "democratical," copies of proposed laws had been sent around to the towns for discussion prior to the first meetings. Although delegates to this meeting had been appointed, it is probable that most of the inhabitants of the four towns were present. In addition to the adoption of the charter, plans were made for an annual assembly of the whole colony for election of general officers, and for a general court of trials.¹⁸

To the court of trials should be referred matters unsettled by town courts, disputes between towns or between citizens of different towns. Laws affecting the colony were to be discussed first in the towns in which they originated, then sent to other towns. The general court, consisting of six commoners from each town, counted the votes of the towns, and if the law had been approved by a majority, it went into effect until the next general assembly, which must take formal action. Legislation might also originate in this general court, but must afterward be sent to each town for approval, to be followed by action at the next general assembly.¹⁹

As has been indicated, the laws of England were in effect in all important matters and legislation formally passed frequently bore direct reference to the code and chapter of English statutes from which it was adopted.²⁰ The majority of the early laws passed were in reality little more than what would now be police regulations, and an occasional provision for which there had been no precedent in life in England.²¹ There is evidence that the courts possessed a copy of English statutes which was transported from place to place,²² "for the nearer conformity of the acts of all Assemblies to the said lawes of his Majestys realm of England."²³

¹⁷ *R.I. Col. Recs.* I, 129-30, 148.

¹⁹ *R. I. Col. Recs.*, I, 147-50.

¹⁸ Staples, *op. cit.*, pp. 64-66.

²⁰ *Ibid.*, pp. 160-87.

²¹ *Acts and Laws* (1719), Historical Introduction by Sidney Rider, p. [11].

²² *Laws and Acts Made from the First Settlement of Her Majesties Colony of Rhode Island and Providence Plantations* (1636-1705), p. vi. (Hereafter referred to as *Laws and Acts*.)

²³ *R.I. Col. Recs.*, II, 504-505.

This precedent of independence was shown early in political relationship to neighboring jurisdictions, in several instances. Rhode Island was not a part of the protective confederation of New England colonies continuing from 1643 to 1686.²⁴ Rhode Island and Connecticut were the only states which retained the right to elect their own executives through all changes of the colonial period. By 1752 eight of the original thirteen had become royal provinces ruled by governors appointed by the King of England, while in three colonies the proprietary system remained.²⁵

Again, Rhode Island was the only state which sent no delegates to Philadelphia to the Constitutional Convention in 1789, and was the only one which refused to act upon the Constitution until Congress really forced her to yield in 1790 by threatening a suspension of commercial intercourse.²⁶

It is not of importance in this study to note the addition of territory and the division and subdivision made which have led to the final political and geographical form.

While the state now has the highest population per square mile of any state in the United States—644.3—this population is not centered in large cities.²⁷ The largest city, Providence, had in 1930 but 252,981 inhabitants. One other city had a population of more than 50,000, while but four others had 25,000 or more inhabitants.²⁸ Thus, approximately 64 per cent of the people live in six centers of population. The greatest period of population growth was in the years from 1870 to 1890—an increase of 27.2 per cent from 1870 to 1880 and of 24.9 per cent in the last decade of that period. The present Rhode Island, with its thirty-nine towns and cities—the real units of local administration—and its five counties, measures but 48 miles long at its greatest length and 37 miles wide in the widest place—an area of 1067 square miles—with a population of 687,497.²⁹

²⁴ *R.I. Hist. Tracts*, No. 19, Part I, pp. 166–67.

²⁵ Charles and Mary Beard, *The Rise of American Civilization* (New York: Macmillan Co., 1930), p. 112.

²⁶ Homer C. Hockett, *Political and Social History of the United States, 1492–1828* (New York: Macmillan Co., 1926), p. 221.

²⁷ *Abstract of the Fifteenth Census of the United States* (1930), p. 15.

²⁸ *Fifteenth Census of the United States. Population*, III, Part II, 767.

²⁹ Abstract, *ibid.*, pp. 12–13.

CHAPTER II

THE COLONIAL POOR LAW: PROVISIONS AND ADMINISTRATION

It has been noted that early legislation in Rhode Island consisted either of the adoption or of the adaptation of the statutes of England.¹ Thus the first reference to the care for the destitute is in reality only a definite reminder that the Elizabethan Poor Law should be in force. At the first court of election it had been agreed to include, as part of the legislation to be passed, provision both for the care of the destitute and for the prevention of "poverties."

And as necessary concomitants hereof, to prevent Murder, Theft and Perjury, We do joyntlie agree in this present Assemblie to make or produce such Lawes as concerne provision for the poore, soe that the impotent shall be mainteyned and the able employed. And to prevent Poverties, it is agreed that such Lawes be made and produced as concern y^e ordering of Alehouses, and Taverns, Drunkenness and unlawful gaming therein; . . .²

Then simply and directly the principles of local responsibility, care for the impotent, and work for the able-bodied, with the provision for administration by overseers, were established.

ADOPTION OF THE PRINCIPLES OF THE ELIZABETHAN POOR LAW

POORE

It is agreed and ordered, by this present Assembly, that each Towne shall provide carefully for the reliefe of the poore, to maintayne the impotent, and to employ the able, and shall appoint an overseer for the same purpose. See 43 Eliz. c. 2.³

At the assembly of 1662, the sick were added as charges and the impotent were defined as those "who are not capable of Providing

¹ See above, Preface, pp. vii-viii.

² *Records of the Colony of Rhode Island and Providence Plantations in New England* (hereafter referred to as *R.I. Col. Recs.*), I, 159-60: "Acts and Orders Made and Agreed upon at the General Court of Election, held at Portsmouth, in Rhode Island, the 19, 20, 21 of May, Anno. 1647, for the Colonie and Province of Providence."

³ *Ibid.*, pp. 184-85. It will be noted below, pp. 14-17, that even before this formal statement by the first colonial assembly of the acceptance of the principles of the poor laws of England, the towns had been following out these measures in the care of their poor.

for themselves." Directions were given regarding each town's responsibility for the employment of the able-bodied. Thus "to Employ or put out to Service, all such Young and Able Persons as are not of sufficient Estate to maintain themselves or which in Idlenes, may be likely to become a charge or damage to such Town;" This same assembly also provided more specifically for the administration of the law by the election annually of overseers of the poor at the time of election of other town officers, "who are from time to time, to give in their Information to the Town Council thereof, who upon such Information, are to take such course for the Effecting thereof, as to them shall seem proper and needful, Agreeable to the Statute of XLIII. of Elizabeth. Chap. 2d."⁴

A further specific adoption of the statutes of England was voted by the assembly in 1749. Here it was stated that all statutes regarding the care of the poor which were applicable in the colony and where no law had been passed were thereby introduced to be in force until it should be ordered otherwise by the general assembly.⁵

With these general principles established, succeeding assemblies added details to the provisions of the statutes in regard to methods of care and additional groups of the destitute to be included as well as more careful measures for administration. From such successive enactments, and from the available reports of their application to individual cases, may be gained an understanding of the manner in which, step by step, the Rhode Island "Act Providing for the Relief, Support, Employment and Removal of the Poor"⁶ was built.

PROVISION FOR ADMINISTRATION BY OVERSEERS

It has been noted that the assembly of 1647 had adopted the administrative provisions of the Elizabethan Poor Law by appointed overseers, while in 1662 provision was made for their election at town meetings.⁷ However, the problem of finding freemen willing

⁴ *The Charter and the Acts and Laws of His Majesties Colony of Rhode Island and Providence Plantations in America* (hereafter referred to as *Acts and Laws*), (1719), p. 10.

⁵ *Acts and Laws of His Majesty's Colony of Rhode Island and Providence Plantations from 1745 to 1752* (1752), p. 71. (Hereafter referred to as *Acts and Laws*.)

⁶ *Public Laws of Rhode Island* (revision of, 1798), p. 348.

⁷ See above, p. 8.

to serve when elected to any town office was a real one.⁸ Moreover, the idea of delegation of power was not yet adopted, and it seemed a simple matter for the members of the town meeting to decide upon a plan for the care of their neighbors when in 1655 the largest number of freemen in any of the four towns was 96, Newport; and the number in the other three was 71, Portsmouth; 42, Providence; and 38, Warwick.⁹

Both town and colony records give evidence of various methods used to assure the provision of overseers of the poor. Thus in 1687 during the brief rule of Governor Andros the court of sessions appointed two overseers for each of the nine towns then in the colony.¹⁰ Meanwhile, various towns had enacted rules for fining persons who refused to serve when elected to office.¹¹ This rule was made general by the colonial assembly in 1765 by the placing of a fine of 40s. upon anyone who refused to serve as overseer of the poor in any town in the colony. Furthermore, no man, if elected, need serve in any office more often than once in seven years.¹²

RESPONSIBILITY OF THE OVERSEERS FOR RAISING FUNDS

It should be noted that the duties of the overseers were not at first conceived of as identical with those under the later developments. The history in England had been that of a development from

⁸ *The Early Records of the Town of Providence* (hereafter referred to as *Recs.*, *Providence*), II, 94.

⁹ *R.I. Col. Recs.*, I, 299-302.

¹⁰ *Ibid.*, III, 230.

¹¹ *The Early Records of the Town of Portsmouth* (1649) ed. librarian of the Rhode Island Historical Society (Providence: E. L. Freeman & Sons, 1901), pp. 41-42. (Hereafter referred to as *Recs.*, *Portsmouth*.)

¹² *Acts and Laws of the English Colony of Rhode Island and Providence Plantations in New England in America*, (1767), pp. 87-88. (Hereafter referred to as *Acts and Laws*.) The general provision for special officers as administrators of poor relief was established earlier in Rhode Island than in the neighboring colonies. In Connecticut the selectmen continued to function until long past the colonial era. See Edward Warren Capen, *The Historical Development of the Poor Law of Connecticut* ("Studies in History, Economics and Public Law" [New York: Columbia University Press, 1905], XXII, 321). In Massachusetts the responsibility was divided between the overseers of the poor and the selectmen until about the middle of the eighteenth century (John Cummings, *Poor Laws of Massachusetts and New York* ["Publications of the American Economic Association," X, No. 4; New York: Macmillan Co., 1895], p. 32), while in New York the church and state united in operation until well past the middle of the eighteenth century (*ibid.*, p. 76).

the "collector" and "distributor" as forerunner of the "four substantial householders to be nominated yearly as overseers."¹³

Colonial Rhode Island did not begin at the stage England had reached by the time of its settlement but went through a similar period of development.¹⁴ Thus in Portsmouth in 1648 (one year after the united government was formed) a "Collector for the pore"¹⁵ was chosen with the town officers. The next two years the same person was elected treasurer and overseer of the poor¹⁶ and the following year the town treasurer was designated as "overseer for the Poore for this yeare."¹⁷ In 1652 two men were chosen overseers and collectors for the poor,¹⁸ and in 1653 the present overseers of the poor were authorized to gather what was behind in the last rate and distrain the goods of any who refused to pay.¹⁹ After 1668 the annual elections show that the title "overseer of the poor" had become established, although the responsibility in regard to rates did not end altogether.²⁰

In 1687 the overseers of the poor of Newport asked the general assembly how money for maintenance of the poor should be raised. As a result of this inquiry the assembly ordered that the overseer of

¹³ 39 Eliz., c. 3 (1597).

¹⁴ The office had been provided for in England by 14 Eliz., c. 2 (1572-73), but without assignment of specific duties. By 18 Eliz., c. 3, the title was changed to "collectors and governors" of the poor, who were to collect the contributions, provide materials, and direct and superintend the employment of the poor in cities and towns. "Overseers of the poor" again became the title by 39 Eliz., c. 3, with the assignment of additional duties, while further responsibility was given by 43 Eliz., c. 2. Thus says Nicholls: "It took successive legislation from 14 to 43 Elizabeth fully to organize the office and settle the duties of *overseers of the poor*" (Sir George Nicholls, *A History of the English Poor Law* [London: P. S. King & Son; New York: G. P. Putnam's Sons, 1898-99], I, 213-14). For a brief summary see George E. Howard, *Local Constitutional History of the United States* ("Johns Hopkins Studies in Historical and Political Science," extra Vol. IV [Baltimore, 1889]), pp. 191-202.

¹⁵ *Recs., Portsmouth*, p. 38.

¹⁶ *Ibid.*, p. 42.

¹⁸ *Ibid.*, p. 58.

¹⁷ *Ibid.*, p. 50.

¹⁹ *Ibid.*, p. 59.

²⁰ *Ibid.*, p. 153. In 1670 one overseer of the poor was put on a committee consisting of one constable, two members of the town council, and one surveyor of cattle to make a rate "for the payment of the Townes Debts and the Supply of the Poore in this Towne." Here, again, the overseers were delegated after the levying of the rate to send notice to each person assessed regarding the payment.

the poor of each town in the province or county should have power to make and assess a rate or levy on "the estates of the inhabitants and others within their townships, according to the custom of England."²¹ It would seem that the overseers found this an unpleasant or an arduous task as two months later two men were appointed by the general assembly to assist the overseers in making the rate.²²

However, the precedent of election of overseers as distinct officials seems to have been established by the middle of the eighteenth century. Not only do the reports of the earlier settled towns record such officers in the early part of the century, but as new towns were established or were divided off from other towns these officers were regularly elected.²³

It will be seen later²⁴ how the duties of these overseers gradually took on greater responsibility for the administration of the developing statutory regulations and less for the raising of funds.

The first example of district responsibility was found in Newport, where a town ordinance in June, 1784, delegated to each overseer the responsibility for the poor in his particular ward. However, as indicated below, care was taken to safeguard carefully their expenditures by supervision by the council.

It is ordained and declared by the City Council, that hereafter the overseers of the poor shall each of them respectively attend to the duty of his particular ward and for that purpose meet once a month at the almshouse or state house, when any three of them may act in drawing orders upon the Treasurer for the expenses that may arise in executing their office, for a sum not exceeding two dollars to any one person unless the same immergent occasions be done with the advice and consent of the mayor or either of the aldermen. And that once in three months, they shall lay their accounts before the City Council for their inspection and approbation and that in all other matters they act as has been heretofore usual for overseers to do.²⁵

²¹ *R.I. Col. Recs.*, III, 232.

²² *Ibid.*, p. 234. It should be borne in mind that this is the year when under the rule of Governor Andros two overseers were appointed for each town in the colony.

²³ S. S. Griswold, *History of Hopkinton, Rhode Island, 1757-1876* (delivered July 4, 1876 . . . Hope Valley, R.I., L. W. A. Cole [1877]), p. 18; Samuel Greene Arnold, *A Historical Sketch of Middletown, Rhode Island, from Its Organization in 1743 to the Centennial Year 1876* (Newport, R.I.: J. P. Sanborn & Co., 1876), p. 19.

²⁴ See below, pp. 13-16, 18-19, 22, 34.

²⁵ MS Newport Town Ordinances, 1784-1802. Newport, R.I.: City Clerk's Office.

In contrast to this delegation of responsibility was the vote of the Tiverton town meeting in May, 1789, providing that the members of the Town Council should be also the overseers of the poor. Thus was established in Tiverton a precedent which was followed into the twentieth century.²⁶

It is not to be wondered at that stress in the earlier period was laid upon rate-making and collecting when it is noted how large a proportion of the money raised for town expenses went for the care of the destitute, and when in the absence of any notion of service for the poor or handicapped as conceived of today, care meant provision of necessities obtained through an outlay of money.

In a study of several town treasurers' reports available²⁷ the items of expenses are chiefly those connected with the care of the poor, such as medical care for the sick, board, clothing, and washing for the destitute, expense of "warning" persons out of town and for "moving strangers."

Too, there was as yet no system of budgeting established, so that frequent references are found indicating separate rates levied to meet each arising need,²⁸ or levied after the debts had been contracted and often long overdue.²⁹

It will be clear, moreover, from a study of some records of individual cases and from the records of town regulations that the overseers were given responsibility by individual towns before the colonial statutes governing the situation had been passed.

OVERSEERS TO ENFORCE REGULATIONS CONCERNING RESIDENCE

One of the early duties delegated to the overseers came with the increase in regulations for limiting and controlling the number and kinds of persons seeking admission to the towns. Thus in 1675 the overseers in Portsmouth were ordered "to take Care that Straingers

²⁶ MS Records, Town Meetings, Tiverton, 1754-98. Tiverton, R.I.: Town Clerk's Office.

²⁷ See below, Appendix, pp. 264-67, 277-79.

²⁸ *The Early Records of the Town of Warwick*, ed. librarian of the Rhode Island Historical Society (Providence: E. A. Johnson Co., 1926), pp. 95, 180. (Hereafter referred to as *Recs.*, *Warwick*.) See also *Recs.*, *Portsmouth*, pp. 65, 67.

²⁹ See *Recs.*, *Portsmouth*, pp. 140-41, for an interesting discussion in town meeting in 1668 regarding the lack of accounts of rates made and collected "by Reson where of the towne are much in the Darke."

be Not Entertained in this Towne but according to Order."³⁰ This special responsibility, sometimes stated as "care that noe persons come to inhabitt,"³¹ accompanied the report of the election of overseers in Portsmouth from 1675 until 1684, then was dropped until 1691, when it again appeared.

METHODS OF CARE USED PRECEDE FORMAL PROVISIONS

The case of John Mott in Portsmouth affords an interesting illustration of work of overseers in the provision of care to the destitute in spite of the paucity of details in the law itself at the time. Town care for Mr. Mott began in 1644, three years before the general assembly had formally adopted the principles of the Elizabethan Poor Law. It will be noted that the town meeting passed upon the form and amount of care to be given, delegating the execution of their decision to the overseers. Thus in the first report "ould John Mott" was to be provided for with "diett and washing." This care was to be provided for by a fellow-townsmen in his home, for which he was to have £9 a year, the town to buy the necessary bedding.³² The next report shows that Mr. Mott's caretaker was to receive "5^s a weeke payd him monthly out of the tresurie . . . so farr as the tresurie will goe."³³

RESPONSIBILITY OF RELATIVES

In the next reference to the case in the records is found an evidence of the responsibility of relatives, based upon the English precedent, over one hundred years before the Rhode Island colonial legislation had specifically provided for it.³⁴ Here the town accepted

³⁰ *Ibid.*, p. 184.

³¹ *Ibid.*, p. 191. The consecutive seventeenth-century records of Portsmouth end in 1695.

³² *Recs., Portsmouth*, p. 30; *R.I. Col. Recs.*, I, 82. For case record, see below, p. 284.

³³ *Recs., Portsmouth*, p. 39. Italics not in original.

³⁴ *Acts and Laws* (1767), p. 201. In 1755 fathers, mothers, grandfathers, and grandmothers were made liable for support "in that Manner and according to that Rate as by justices of the peace" should be assessed. A penalty was assessed of 12s. for every week of failure to comply with the regulations, the fine to go for the use of the poor. Children were also to support their parents or be subjected to the same penalty. The overseers were given authority to administer these provisions to the extent of bringing action for debt.

In 1769 (*ibid.* [1772], p. 17), in order to get rid of the inconvenience of "several Ad-

Mr. Mott's son's offer of "a Cowe for ever and 5 bushels of Corne by the yeare so longe as the ould man shall live . . . that so he might be dischargd from any further Chardge." Following this action, the freemen agreed to make up the amount of corn to forty bushels in return for which a Mr. Balston agreed to give ould father Mott "house rome dyate lodging and washinge" for a year.³⁵

DIVISION OF ADMINISTRATION BETWEEN TOWN MEETING AND OVERSEERS

The next item records the first indication of any delegation of power to the overseers in relation to Mr. Mott's care. Here it was ordered that "ould John mott shalbee Provided for by the overseer of the poore."³⁶ The next year the town meeting again voted £10 to a Mr. Redfin to provide the usual care, with the addition of clothing. Men were chosen at the meeting to apportion "everie mans Some" to make up the amount.³⁷

Next year the previous £10 cash was raised to £11 plus the use of the cow and corn. This year also it was agreed that "there shalbe a stone house built for the more Comfortabl beinge of ould John mott in the winter for the effectinge there of the townes men doe here promise that upon the Call of the overseers aforesayed, they will Come in and help forward the worke."³⁸ It is not clear whether this house was built as another increase of one pound in cash was made the following year in order to pay one George Parker for the care of Mr. Mott.

SPECIAL RATES LEVIED: INDIVIDUAL BARGAINING

At this time four men were chosen to make the rate to be collected by the constable along with that behind in other rates.³⁹ Apparently the constable was not very successful as two weeks later the town voted to give a general warrant to the constable "to destrayne of the goods of such as shall refuse to pay what they are rated either to the

judications, and Orders of the Courts in the several Counties," the assembly ruled that the action could be brought in either of the counties in which the responsible relatives lived rather than in each separate county of residence as heretofore.

³⁵ *Recs., Portsmouth*, pp. 40-41.

³⁶ *Ibid.*, p. 46.

³⁸ *Ibid.*, p. 58.

³⁷ *Ibid.*, p. 57.

³⁹ *Ibid.*, pp. 60-61.

former rates or that rate which is to bee made for ould mott." However, the motion optimistically provided that any overplus would be returned! The overseers were also delegated to bargain with any man whom they thought fit for keeping Mr. Mott the ensuing year. A Mr. Freeborne was found willing to diet, wash, lodge, and "looke to the sayd old mott" for £10, plus the cow and the five bushels of corn. The town had got in debt £30 for Mr. Mott's care, so four men were chosen to make a rate to pay off this and some other debts the "towne owe."⁴⁰

Whether through a desire of Mr. Mott to travel or because of the desire of the town to be rid of him, the record of 1654 stated that the town had agreed to pay the passage of Mr. Mott to the Barbados Island and back again if he could not be received there, "if he live to it" and if the shipowner would carry him.⁴¹ It is not clear whether Mr. Mott took this journey and "back again" or not. He did not appear in the record of town meetings for the ensuing year, but the next year the treasurer was ordered to pay out £4 9s. due toward Mr. Mott's care the previous year. In 1656 John Teft was to receive £13 6s. 8d. besides the cow and corn for "looking to" Mr. Mott. Clothing was to be bought out of the treasury when any money came in.⁴² At the following June meeting it was agreed that the treasurer should agree with "goodman" Teft for the keeping of Mr. Mott for the ensuing year, and to pay him out of the treasury.⁴³ However, the following January the treasurer was advised to pay "goodman" Teft what is due him, with whatever "just demaunds" he has about "old mott." Furthermore, a townsman was given the cow in return for which he "doth ingadge to deliver to the Towne Treserer A heiffer of [or] two this Next Springe."⁴⁴ The natural conclusion is that Mr. Mott's death now made it no longer necessary to bargain annually for his care.

In this record of thirteen years' care of Mr. Mott have been illustrated many of the methods of administration of the early care of the poor. That the duties of the overseers were not yet clearly defined is obvious from the way in which a division of responsibility was shared with the town meeting and with the treasurer.

⁴⁰ *Ibid.*, pp. 61-63.

⁴² *Ibid.*, p. 72.

⁴¹ *Ibid.*, p. 66.

⁴³ *Ibid.*, p. 76.

⁴⁴ *Ibid.*, p. 82.

The custom of making rates for individual needs is also seen here. The method of care was by bargaining with a townsman, which is indicated by the fact that during the period of time included in this record Mr. Mott was cared for by at least five persons and not always during consecutive years by the same person, so that he must have been moved many times. One of the most interesting aspects of this case is that of the responsibility assumed by the son, in advance of any statute of the colony, as has been indicated.⁴⁵

CO-OPERATION BETWEEN AND AMONG RELATIVES

An interesting example of family responsibility in Providence is seen in the co-operative plan worked out between and among relatives for the care of John Dalie. Here was first recorded in January, 1718, the order that Joseph Dalie, a son, should pay 12s. 6d. and Morris Brock, son-in-law, 11s. 6d. to John Rhoades, another son-in-law, for the keeping of John Dalie for a period of six weeks. When the six weeks should elapse, Mr. Dalie was to continue on with the son-in-law Rhoades at the rate of 5s. per week until "sum time in march," when the council should make some further plan.⁴⁶ In February it was voted that the children should continue the relief until further order.⁴⁷ At the April meeting the council adjourned until a certain date in May, when it would meet to "take care for the Relief of John Dalie." The son had put up bond for £10 that he would make his "Lawful appeareance" in order to "descharge his dutie and quit himself of all Charges that have accrewd for the Releife of his s^d father." If he failed to appear, the amount which he owed might be recovered "in any of his Majestyes Courts of Justice in new England."

However, Joseph Dalie made no appearance and the council ordered that the father should remain with the daughter until further order and that a writ be taken out against Joseph to "socure him on his Esstate" until he had met his obligation for his father's care.⁴⁸ The following October the son-in-law, John Rhoades, promised to keep his father-in-law until the twenty-seventh of the month for £3, 12s., including the time since last June when he had first assumed the

⁴⁵ See above, p. 14.

⁴⁷ *Ibid.*, p. 36.

⁴⁶ *Recs., Providence*, XII, 34. For case record, see below, p. 319.

⁴⁸ *Ibid.*, p. 43.

responsibility. At the time clothing from a man who had died was to be "improved" for the relief of Mr. Dalie.⁴⁹ It would seem that the son again failed to meet his responsibility as the Providence treasurer's report for 1720 records an item of £12 to John Rhoades for keeping Mr. Dalie for one year, in addition to another item of £3 12s., the sum agreed upon at the meeting of the council.⁵⁰ In 1722 the other son-in-law, Morris Brook [Brock], agreed to keep Mr. Dalie for a year for £6. The son here promised to pay £3 10s. of that amount and "to giue his s^d father a new shirt,"⁵¹ and so for five years the council had struggled with the problem of responsibility of relatives with about as much success as is obtained two hundred years later. In this case there is no evidence of overseers of the poor, the proceedings all being carried out by the town council.

DELEGATION OF RESPONSIBILITY TO THE OVERSEERS

Quite in opposition to this is the delegation of responsibility shown in a case in Portsmouth and one in Providence. In Portsmouth in 1668 the overseers were all charged by the council to use their judgment in the care for Henry Eves and wife: "Care in provoidinge for the Suteable Supply of Henry Eves this yeare is Referred to the overseers of the poore to Order ffor the most Ease to the Towne and Comfort of the Sayd Eves according to the best of their jugments."⁵² The previous year a rate of 40s. had been made by the council for aid to Henry Eves and wife. Provision was made for sending word to each person of the amount he was rated, whereupon he was to bring the amount in to the overseers of the poor or to "whom they shall apointe of y^e End and Use afore said." Any person neglecting to bring in his proportion and so causing "dstraint to fetch it" should pay not only the amount of his rate but also the charge of collecting it.⁵³

Stephen Capple and his wife, in 1722, were reported to the Providence town council as being sick and having "Little to Releieue them selves and famely with whereby they are Likely to suffer Jf not helped in sum measure." The council voted that one of the over-

⁴⁹ *Ibid.*, p. 9.

⁵⁰ See below, Appendix, pp. 266-67.

⁵¹ *Recs., Providence*, XII, 44.

⁵² *Recs., Portsmouth*, p. 149.

⁵³ *Ibid.*, pp. 142-43.

seers of the poor should make an investigation of needs by going "forth with" to the dwelling and making "Jnspection Into the premises," and furthermore he was given the responsibility for decision as to meeting the needs as he was to "supply the present nesity" so "far as he [saw] nessesity." The amount spent was to be refunded out of the town treasury.⁵⁴

In East Greenwich as late as 1756 the council went so far as to authorize the purchase of clothing by Captain Sylvester Sweet, one of the citizens who appeared before the meeting to request aid for one of the poor of the town. He was told to provide "tow cloth shifts and a good flannel 'gownd' " and to bring the bill to the council. The bill for 9s. was later presented.⁵⁵

ABILITY OF RELATIVES TO AID CONSIDERED

The case of the Howards, father and son, indicates that the financial ability of those relatives legally responsible for support of destitute members of their family was considered. John Howard, who was in need of relief, lived with his son Ebenezer. However, the son was unable to give this assistance, "his own famoly being also in want." A man was delegated by the Providence council, to which the case had been referred in 1722, to supply the needs of the father as he "shall think needeful" and also to give relief to the family of the son Ebenezer. The amount expended was not to exceed £10, however. In order to hold the son responsible at a future time, he was to be asked to sign a receipt for the relief given both to his own family and to his father.⁵⁶

TOWN ADMINISTERS ESTATE

The manner in which the town took possession of an estate left by a deserting husband, in order that the wife and children might be assured of support, is illustrated by the case of Thomas Walling in Providence, 1663. The town meeting feeling "doubtful" of the return of Mr. Walling who had departed, leaving a wife and child,

⁵⁴ *Recs., Providence*, XII, 39. See also the case of John Yeats (*ibid.*, pp. 67-68), when care was delegated to the treasurer.

⁵⁵ D. H. Greene, M.D., *History of the Town of East Greenwich and Adjacent Territory from 1677 to 1877* (Providence: J. A. & R. A. Reid, 1877), p. 46.

⁵⁶ *Recs., Providence*, XII, 64-65.

ordered the estate to be seized. This seizure was to include "Landes, goodes, howseing or Cattel" and was secured for the relief of the abandoned wife and child. It was voted, furthermore, to post upon some public place a notice prohibiting the purchasing or bargaining for any part of the property, with Mrs. Walling, without the approval of the town.⁵⁷ A few months later Mrs. Walling petitioned the town for permission to sell a cow and the right to some land in another settlement.⁵⁸ Mrs. Walling had also petitioned, previously, for authority to give up a child which her husband had taken to rear, saying that she was no longer able to care for it.⁵⁹

The Wallings were a source of much activity in the affairs of the colony for some years. Mrs. Walling was given the use of a bond of £20, which was forfeited by the deserting husband because of his non-appearance at court to be tried for beating the husband of the woman with whom he later ran away.⁶⁰ Later Mr. Walling and Margaret Colwell were both whipped for adultery.⁶¹

Record of the death of the wife Mary is found in 1669.⁶² Then Margaret and Mr. Walling were married and she became his executrix upon his death in 1674.⁶³

The final chapter in the town's interest in the case of this family is denoted by the following bill⁶⁴ for support given during the time of the husband and father's desertion:

1667 OR THEREABOUTE

Memorandum: THO: WALLING DEB^r

For keeping his son Thomas |aboute| 12 months	£
when he run away with Margrett.	04-00-00
For helping his wife in his Absence.	04-12-00
Margrett walling widdow, Deb ^r: |at Least|aboute	01-10-00
	10- 2-00

⁵⁷ *Ibid.*, III, 32-34. This Mary Walling is the Mary Abbot about whose marriage with Thomas Walling Roger Williams was concerned. For case record, see below, p. 286.

⁵⁸ *Ibid.*, p. 37.

⁵⁹ *Ibid.*, p. 30. For a similar case in which action was taken by the General Assembly see Joanna and Samuell Reape in *R.I. Col. Recs.*, III, 105.

⁶⁰ *Rhode Island Court Records: Records of the Court of Trials of the Colony of Providence Plantations, 1662-1670* (Providence, 1920), II, 52, 57 (hereafter referred to as *R.I. Court Recs.*); *R.I. Col. Recs.*, II, 210.

⁶¹ *R.I. Court Recs.*, II, pp. 66, 82.

⁶³ *Ibid.*, VI, 16.

⁶² *Recs.*, Providence, V, 203.

⁶⁴ *Ibid.*, XVII, 29-30.

TOWN MEETING MADE RESPONSIBLE

That the town meeting was recognized as the proper place to which appeals for aid should be directed is apparent from the number of requests so addressed, both by the person seeking aid and by some interested individual interceding for him. Furthermore, the aid sought was often other than merely financial. Several such interesting requests were made by Roger Williams in 1650. One of these appeals concerned the orphan daughter of Daniel Abbot, who was going to be married. Mr. Williams thought that a little fatherly care and council might later on prevent further responsibility and charges. He therefore wrote to his "Well beloved friends" in the Providence town meeting:

. . . . I vnderstand y^t one of y^e Orphanes of o^r dead friend Dan: Abbot, is likely (as she herselfe told me) to be disposed of in mariage Tis true she is now come to some yeares: But who knowes not, what neede the poore maid hath of yo^r fatherly Care, Councell & Direction: I would not disparage y^e young man (for I heare he hath bene Laborious) yet with your leaue I must say I durst not, you will not giue yo^r daughters in mariage to such whose liues haue bene in such a course without some good Assurance & Certificate of |his| not being engaged to other women or otherwayes criminous, as allso of his Resolution to forsake his former course, least (this Inquirie being neglected) The Maid & o^rselues repent when Miserie hath befallen her, & a iust Reproue & charges befall o^rselues: of w^{ch} we haue no neede.⁶⁵

The affairs of the family of Daniel Abbot for several generations were frequently the concern of the town meeting, although there was no financial help given. Thus, in 1651, two men were ordered to look after the goats and other property of the orphans,⁶⁶ and later on were ordered to divide the "Said Goates, goods &c" between the daughter, who had been married, and the son.⁶⁷ In December of 1717, Margaret, the widow in the next generation, appealed for relief. Here, again, is afforded an interesting case of enforcement of relatives' responsibility with some additional factors due to the possession of some estate. The town meeting's action is recorded as follows:

. . . . Being sensible that y^e s^d Daniel Abbott her deceased husband Left a Compitent Esstate: sufficient to Releife his s^d widdow and being Informed that his son Daniel Abbott Administered vpon the s^d Esstate and being also summing sinsable of the same

⁶⁵ *Ibid.*, XV, 38-39.⁶⁶ *Ibid.*, II, 49.⁶⁷ *Ibid.*, p. 58.

Where vpon wee doe order as hereby it is ordered that the s^d suruiueing Daniel Abbott shall pay to the Relief of his mother . . . the sum of Eight shillings per weeke . . . into the hands of one of the ouer seers of the poor of s^d Towne Except he provide for her sum other way to her Content until sum further order be taken.

The son Daniel was furthermore ordered to appear before the next council meeting.⁶⁸

There was apparently some difficulty connected with the collection of the amount ordered to be paid by the son, as the overseers of the poor, the following April, were given authority by "act of Council" to collect the amount by this order, which also indicates the legal procedure.

. . . . The overseers of the poor . . . are here by Jnpowered to Demand & Receiue the afore Sd Eight Shillings Pr weeke of the Sd Dainell Abbot for the use a fore s^d: & for Default of payment there of, The Same to be Recovered by the Sd over over sers in any Court of Record with in this Colony by bill plaint or Jnformation with out any Essoin protection or wager of law or | any | more than one Jmpertance.⁶⁹

TOWN RELIEF ON A NEIGHORLY BASIS

It should be remembered that these administrators of relief to the poor, whether the full town meeting,⁷⁰ the town council, or the overseers of the poor, were all neighbors in small communities. They not only knew personally those in need of help but also the circumstance and the ability of other members of the family to provide care. An application or a reference for aid was thought of as an appeal to neighbors, and was often so expressed. Thus An Haris, in appealing for aid of the Providence town meeting in 1685, signed herself "your neighbouer," as well as addressing the meeting in similar terms:

To y^e towne meett by Ajourme|nt|

Neightbours my desire is y^t you would be plesed to take sume Care of me

⁶⁸ *Ibid.*, XII, 62.

⁶⁹ *Ibid.*, p. 41.

⁷⁰ That the term "town meeting" should not be taken too literally is indicated by the provision in 1657 that, because of the difficulty in getting ten freemen to attend, seven should be considered a meeting if there had been lawful warning (*ibid.*, II, 108). In Warwick twelve townsmen had power to act as "though all were present" (*Recs.*, Warwick, p. 37).

fore I am not Aable to take Care of myselfe by resun of sites faling of me & in so doing you would obldige your neighbouer

An haris⁷¹

Edward London was the object of a request for aid, by a fellow-townsmen, to the Providence town meeting in 1692-93. In this communication reference was made to the legal responsibility for the care of the poor.

To y^e Towne Mett

I desier the towne to take speedy care to prouide som place or being for Edward London: for he is a poore and decrepit man: which by law care ought to be taken for

Thomas ffield⁷²

March ye 6th 92 or 93

Mr. London had himself appealed for aid because he had "growne so decrepped & disabled."⁷³

DIVISION OF RESPONSIBILITY BETWEEN TOWN MEETING AND TOWN COUNCIL

This case has an interesting administrative aspect in the extreme caution shown in regard to the delegation of authority by the town meeting to the town council and the latter's specific relinquishing of their responsibility. Thus, not only is the council to provide relief, but also to levy a rate for this purpose.

Whereas Edward London . . . is fallen to the townes care for Reliefe, & whereas the towne by their free voate have Comitted the matter into y^e hands of y^e towne Councill to order for his maintenance & Relife & doe by this presant act Comitt full Power to the towne Councill to assess & levey a Rate upon the inhabitants of this towne of Providence for the Relife of y^e said Poore (to witt) y^e said Edward London & to see & provide a place for his abode, & what the said Councill shall act & doe as y^e premises shall be as authentick to all intents & purposes as if the towne had been the actuall doers thereof.⁷⁴

The next day the town council made plans for Mr. London's care by levying a rate of £12 upon the inhabitants of the town. A treasurer for this particular case was appointed to receive the money paid in. Furthermore, it was voted that if Mr. London should die before

⁷¹ *Recs., Providence*, XVII, 65. (See also Roger Williams' appeal to "Well beloved friends," above, p. 21, and the case of "ancient neighbor John Jones," below, pp. 25-27.

⁷² *Ibid.*, p. 143. For case record, see below, p. 306.

⁷³ *Ibid.*, XI, 2.

⁷⁴ *Ibid.*, p. 3.

all of the money so raised should be expended, the remainder should be used "no otherwise but for y^e Relife of y^e poore of this towne."

The council next reported that it had agreed with one George Keetch to keep Mr. London for the next six months for fifty shillings. For this amount Mr. London was to be provided with "meat, drinke, washing & Lodgeing." However, if he should become ill or need more care, further consideration should be given to the case. His caretaker was, furthermore, to have the benefit of any work Mr. London might be able to do ("what he may Comfortably doe").

Responsibility for making easier the levying of the rate for Mr. London's care was put upon the inhabitants of the town, each of whom was ordered to bring or send to the council an account of his ratable estate.⁷⁵

Six months later the town council rendered a report to the town meeting, saying that it had carried out the duties given to it in regard to the care for Mr. London and that inasmuch as the time for which this responsibility had been granted had almost expired, it was no longer concerned with his care, and that any further provision should be made by the town meeting.⁷⁶

The next report was made by Mr. Keetch, who stated that Mr. London had died but that the town still owed him £6 2s. for care. Mr. London's property to the value of £2 1s. 4d. was turned over to the town and an additional rate levied to pay the balance owed Mr. Keetch.⁷⁷

In this case, while there was division of responsibility between the council and the town meeting, there was no mention of the overseers of the poor. Even the levying of the rate, the bargaining for care, and the carrying-out of plans made were in the hands of the council.

REAL INTEREST IN WELFARE MANIFESTED

That there was real consideration of the needs of those persons referred for help, and a conscientious desire to meet these needs, is indicated by many of these early records. In 1677 John Joanes presented a bill to the Providence town meeting for payment. The inhabitants assembled thereupon voted that two men be delegated to

⁷⁵ *Ibid.*, X, 7-8.

⁷⁶ *Ibid.*, XI, 6.

⁷⁷ *Ibid.*, p. 8.

find someone to care for Mr. Joanes. A principle upon which provision for care was frequently based was well illustrated in this report—that was the assignment of personal property in return for the care given. So here the two men were instructed to agree with some person for Mr. Joanes's care either in return for his "Esstate" or by the year, for an amount that would be agreed upon between the town and the person assuming the care.⁷⁸ A week later the two men chosen above were ordered to repair Mr. Joanes's house and make it comfortable for the winter season, the town to give them "Reasonable satisfaction for theire paines."⁷⁹ Several years later a fellow-townsmen wrote to the town meeting in behalf of old neighbor ("Olde n'b") John Joanes asking for firewood and other necessities, signing himself "your naber william Hopkin."⁸⁰ Upon presentation of the bill for this firewood and other necessary relief, Mr. Hopkins and another man were appointed to visit Mr. Joanes and make an investigation of his needs, thus they were "to repaire vnto y^e sd John jones without delay, And for to know of him what his greatest (present) wants are." These needs were to be supplied for the present and the men who visited him were to report back, as to further needs and to expenditures made, at the next town meeting, when additional plans would be made.⁸¹

There was apparently some misunderstanding regarding the assignment of property in return for Mr. Joanes's care, so that two men were chosen to confer with him in regard to the agreement in order to "vnderstand (more fully) his really intention minde & will; in referance to y^e jnstrument or Covenant made, or to be made." These two men were also given authority to complete this agreement "by y^e Signeing & Sealeing to it to be Authentick." It was then to be brought to the next town meeting for approval.

The two men who had previously been assigned to supply his needs were again given this responsibility. It would seem that some

⁷⁸ *Ibid.*, VIII, 22. This name is also spelled Jones, Joness, and Joans. Mr. Joanes had been an early settler in Providence and had served as various town officers, including sergeant and juryman. He had received a free grant of land in 1645 and had been "voted in" as a freeman in 1651. See *ibid.*, II, 29, 58, 81, 100, 105, 116. For case record, see below, p. 294.

⁷⁹ *Ibid.*, VIII, 23.

⁸⁰ *Ibid.*, XV, 201.

⁸¹ *Ibid.*, VIII, 66.

conversation had been held with Mr. Joanes as to what persons would be acceptable to him for this duty as it was stated in this report, upon the voting of this task upon the two men "who [were] by y^e sd joanes accepted of." They were given a further delegation of duties than was usually indicated in that they were to provide for Mr. Joanes during his lifetime and were to provide adequately, thus they should "in y^e townes behalfe, see to y^e Supplying o^r s^d neighbour joanes wth w^t is meett & necessary for his Comfortable releife, & well-being, dureing his natureall Life."

A week later the town meeting voted not to accept the agreement as made for the care of Mr. Joanes but to have an inventory made of the estate and to commit it to the custody of the men who had been appointed to look after his needs. A letter to this effect was written Mr. Joanes, which also stated that the next "Towne meeting" would make plans for his future "Comfortable Subsistance."

Further record was made of the ordering of a conference with the "Ancient Neighbour" regarding the contemplated sale of his house and ground in order that the transaction should be to the advantage of both the town and Mr. Joanes.⁸²

A petition was later directed to the town meeting by a group of ten men who apparently thought that sufficient attention was not being given to the care of Mr. Joanes. Herein it was stated that Mr. Joanes could not live without some relief, which must come from the town. The petitioners therefore held themselves responsible equally with the rest that he should not suffer, and for that purpose they asked the town to take control of his property lest he "childishly" dispose of it and so result in a greater charge to the town. As a final thrust, the petition stated that if this were not done soon the town may regret it—"it may Cause moast of this Tow [town] to Rember ther neclect."⁸³

In spite of these various conferences, Mr. Joanes took upon himself the sale of his property after he had assigned it to the town in return for care. The town did not, moreover, approve of the sale he had made and so obtained the relinquishment by the purchaser

⁸² *Ibid.*, pp. 88-90.

⁸³ *Ibid.*, XV, 228.

and undertook a sale by auction for money and supplies. He, however, was to live on the place as long as he wished and his caretakers approved, and some improvements were to be made for his convenience; so the record reads:

. . . . And he y^e sd Joanes in y^e time of his weakness & by reason (as he saith) of his missvnderstanding what he was informed. . . . Took vpon him to make Sayle of that he putt into y^e Townes hands (to keep or sell (at their pleasure) to his neighb^r Joseph Smith: The Towne not approveing of y^e Sayle: and vpon debate thereof, y^e sayd Joseph Smith hath, & doth relinquishes y^e sayd sayle. . . . The Towne now mett doe heareby putt y^e sd Right of his house & Lott vpon sale vpon these Contitions, that he or they that will give most for it in y^e speacia heare after named, that is to say y^e Third part in silver, & the other two Thirds as money, & in such things as two men appoynted by y^e Towne shall see it be needfull for y^e sd Joanes releife . . . sd John Joanes shall in habitt in y^e sd house soe Long as ye |sd| Joanes shall see cause & y^e Town's Two men before sd to be Chosen: and to have a path way of four foott wide to pass & repass from y^e house to y^e high way, for him, or any other person or persons to see, vissitt, & releive him.

The sale was to be conducted by the customary "jnch of y^e candle." The highest bid was £17 6s.⁸⁴

Two years later the death of Mr. Joanes led to further transactions concerning his movable estate. It was found that he had made no will, therefore an administrator was appointed by the town council to dispose of the property. An inventory was made and notice given for all who had any claims upon the estate to appear before the council at a specified time in order to "propegate & proove" the demands. The inventory showed a total value of £8 4s. 1d. upon the "estate," which consisted mostly of cooking utensils, furniture, dishes, clothing, and one "percell of Meate" (parcel of meat). This was to be disposed of by the administrators, and so ended the town care of John Joanes, extending over a period of seven years.⁸⁵ There was a real effort made by these old friends of Mr. Joanes, acting as members of the town meeting and of the town council, to meet the wishes of their "ancient neighbor," while considerable time and thought were given to the administration of the property both before and after the death of Mr. Joanes.

⁸⁴ *Ibid.*, VIII, 95-96.

⁸⁵ *Ibid.*, VI, 119-22.

PROPERTY ADMINISTRATION HAD REAL PROBLEMS

Another Providence case involving considerable attention to the details connected with property administration is that of William Burrowes, who, like the previous case, had been one of the early settlers in the colony.⁸⁶

In 1660 the case of Mr. Burrowes was considered at a town meeting because of his need of relief through "age and weakenesse." It was voted to give him relief, but also to ascertain what property he possessed and take charge of it for his benefit.⁸⁷ A letter had been sent to Roger Williams asking him to come to a previous meeting, but he had sent a document instead, which had contained an agreement made between Mr. Burrowes and one Henry Redock. This agreement had been made four years previous to this time, and it, too, had been a substitute for a still earlier plan by which, upon the death of Mr. Burrowes, £8 was to be paid to Mr. Redock. By the present agreement Mr. Burrowes was to give his two cows to Mr. Redock, in return for which 15s. yearly in butter and cheese was to be given Mr. Burrowes as long as he lived. In addition, a tract of "three score" acres of land was to go to a son of the said Redock, while Mr. Burrowes' movable property and debts were to be taken at his death by a daughter of this same man. In return, Mr. Redock bonded himself and heirs to "provide conveniently" for the burial of Mr. Burrowes.⁸⁸

This town meeting was much displeased both with the refusal of Mr. Williams to attend it and with the form of agreement made between Mr. Burrowes and Mr. Redock. It was decided, therefore, to write a letter, expressing this displeasure, to Mr. Williams, which follows in part:

Mr. Williams you both complained yo^r selfe and also others unto o^r Towne officers to take care of William Burrowes: Wee thought it could no better be done, but in A publike Towne Meetteing, but wee having no Knowledg how Matters Stood with his Estate sent for you that wee might have benn fully informed, wee waited and only received A paper from you which was no Satisfaction to us, And put us to A stand, and wee thinge [think] that both Charetye

⁸⁶ Mr. Burrowes had signed the agreement made for the establishment of a town government in 1640 (see *ibid.*, XV, 5). For case record, see below, p. 291.

⁸⁷ *Ibid.*, II, 140-41.

⁸⁸ *Ibid.*, p. 136.

[charity] to yo^r Neighbours, And William Burrowes, would have yelded us yo^r presence both with yo^r councell, and action; . . . That a debt due after death, Should be payde out of his Estate whilst hee is yett living in A manner as wee conceive taking Bread out of his mouth for wee judge it the princeple of his livelyhood, And wee thinke if it had benn well managed might have given A good Stroake to his maintainance, And wee judg the Law will make them Keepe him while hee is living, that Should have his Revenewes [Revenues] when hee is dead: only one thing wee well perceive is taken care of [viz.] an honorable Buriall, but wee find but litle honorable care for his Livelyhood. . . .⁸⁹

The town also sent another letter to Mr. Williams saying that it had agreed to care for Mr. Burrowes but could not make definite plans until all writings concerning the latter, which were in Mr. Williams' possession, had been turned over to the town. It had been decided to take over whatever estate remained in Mr. Burrowes' possession and see if it could be improved for his benefit. Mr. Redock was to be consulted by the deputies in order to obtain further information regarding the agreement which had been made. Meanwhile it was voted that the money which had been contributed for the care of Mr. Burrowes was only "lent" upon the condition that if any property was left after his death, the proceeds should be returned to each man according to the amount he had contributed to the sum.⁹⁰ Mr. Burrowes was moved into the home of a townsman who had been found willing to care for him. In this case the town deputies made the arrangement for the cost, the way in which it should be paid, and "all matters concerning" the care for Mr. Burrowes.⁹¹

Sixty acres of land formerly belonging to Mr. Burrowes was found in the possession of another citizen who was ordered to appear before the town meeting and explain his right to its possession.⁹²

The *Providence Town Papers* include, also, an agreement made in 1655 between Mr. Burrowes and Mr. Thomas Arnold, whereby the former had sold land to the latter in return for which he was to receive yearly 40s. on the following terms: 13s. 4d. in labor—plowing or carting or "some of both," 13s. 4d. in corn, wheat, or rye or "some of bot[h]," and the like amount in "swines flesh, at killing time before Winter." These provisions were to continue as long as Mr. Burrowes should live. This document was witnessed by Roger Williams,

⁸⁹ *Ibid.*, p. 137.

⁹¹ *Ibid.*, III, 26-27; XV, 88.

⁹⁰ *Ibid.*, 141-42.

⁹² *Ibid.*, III, 27.

as had been the agreement between Mr. Redock and Mr. Burrowes.⁹³

Apparently relief in sufficient amount was difficult to obtain by free contribution as had been attempted in this case. In 1663 the town deputies were ordered to go to all inhabitants "belonging unto" the town for these contributions and to report back if a "considerable sum" was not obtained, whereupon a rate would be levied.⁹⁴

It would seem that some agreement had been reached with Mr. Redock to substitute 15s. in cash for the same value in butter and cheese as reported earlier. Therefore a letter was written informing Mr. Redock that if this amount due was not immediately paid, the town would take legal course for its recovery.⁹⁵

The death of Mr. Burrowes is indicated in 1664 by the appointment of two men to visit "Widow man" and see what she owed the town upon the accounts of "Wm. Burrowes deceased."⁹⁶ Here, as in the case of John Joanes, a great deal of time was occupied by the Providence town meeting and the deputies in administering property in return for care given a destitute inhabitant.

In Portsmouth were found similar cases of property administration connected with relief. Thus in 1660 William Baker petitioned the free inhabitants to take his sheep in return for care, asking the town "to take his sheep in to there owne hands as there owne, and that they would be pleased to Contrebut to his Nesesaty for that his owne abillity failes him." The town meeting voted to grant his request, and bargained with one "Hinory Pearcey" to care for Mr. Baker providing "diat & lodgin" for a year for £8. A member of the meeting was delegated to take charge of the sheep and the free contribution which the townsmen were to give toward the necessary support, and to dispose of them in any way he thought best for the good of Mr. Baker.⁹⁷ The next year £12 was to be paid Mr. Percy for caring for Mr. Baker,⁹⁸ but apparently the money had the customary slowness of collection as a later report ordered the treasurer to pay £4 11s. on this account when "Rate mony Coms in to his hands."⁹⁹ Finally, upon the death of Mr. Baker his clothes

⁹³ *Ibid.*, XV, 70.

⁹⁶ *Ibid.*, p. 53.

⁹⁴ *Ibid.*, III, 41-42.

⁹⁷ *Recs., Portsmouth*, p. 101.

⁹⁵ *Ibid.*, p. 45.

⁹⁸ *Ibid.*, p. 109.

⁹⁹ *Ibid.*, p. 110.

were given to the two men who watched with him during his sickness and the treasurer was told to pay the last caretaker all that he could prove due him for "lodginge and diatt."¹⁰⁰

One more Portsmouth case in which an estate was taken in charge was that of James Parker. He had become in such a "distempered condition" that he was likely to become a town charge. The treasurer was therefore ordered to take into custody any estate belonging to Mr. Parker and dispose of it for his use, in so far as it "would accomodate him." In spite of Mr. Parker's "distempered" condition, or maybe because of it, the town voted to send him to the Barbados Island if he wished to go, as the town had been informed. The treasurer was instructed to obtain a passage for him and supply him with the necessities for the trip, not to exceed £10.¹⁰¹ The record in this case did not include provision for his return as in the case of Mr. Mott reported above.¹⁰²

CARE GIVEN BY RELATIVES IN RETURN FOR PROPERTY

Mention should be made of a variation in this plan of assigning property in return for care. In some cases the property was assigned to a relative or to a neighbor who, in return, agreed to provide for the assignor during his lifetime. Thus, in Providence was the case of John Bennet, who transferred to a neighbor, Stukeley Westcote, all his property, consisting of "8 cattel, 19 lbs of peage at 8 per penny," his house and land, reserving only £5 to dispose of as he might "see fit." In return for this, Mr. Westcote or his heirs agreed to furnish Mr. Bennet with "meate drinke and aparall" throughout his life. This life proved to be some years longer, as thirteen years later the neighbor's son was excused from service at the court because of the weak condition of Mr. Bennet, which necessitated his attendance.¹⁰³

In 1703 in Providence, Stephen and Bridget Harding turned over their property, consisting of the remainder of their homestead or "house lott," upland, swamp, and meadow, to their son Abraham. The son in return bound himself, his "heirs, Executors & Assignes" to look after his father and mother. He promised to "Carefully &

¹⁰⁰ *Ibid.*, pp. 110, 114.

¹⁰¹ *Ibid.*, p. 159.

¹⁰² See above, p. 16.

¹⁰³ J. Russell Bullock, "Stukeley Westcote," *Narragansett Historical Register*, V, No. 1 (July, 1886), 12-13.

faithfully Provide for them those things which they [could not] Provide for themselves by their industrie in their Old age . . . as may be for their Comfort & support in their Old Age, & as Persons of their Rank & Quality both in sickness & in health."¹⁰⁴ In this way the responsibility of relatives might be provided for in advance of need.

INTEREST OF GENERAL ASSEMBLY IN CARE OF THE DESTITUTE

While, as it has been previously stated, most of the cases of need were referred to and cared for by the towns, attention should be called to the evidence of the concern of the general assembly with problems of destitution. In most instances the general assembly referred any cases brought to its notice to the town to which the responsibility belonged, not infrequently attaching a recommendation regarding procedure to be carried out. Thus was the case of Mrs. Elizabeth Cunnigrave, who petitioned the general assembly in 1680 for aid. She stated that by reason of "age and weakness" she was unable to "gett a livelihood." The assembly, therefore, "upon searious consideration of her condition" referred the matter to the town of Newport, whose duty it was to care for Mrs. Cunnigrave and to plan for her welfare, thus: ". . . doe referr and remitt that matter unto the towne of Newport as being proper to them to take effectuall care and course amongst themselves, for the supply of the said Elizabeth Cunnigrave."¹⁰⁵

Two years later Mrs. Cunnigrave again appealed to the general assembly. This time she stated that she had competent estate upon which to live but could not gain possession of it ("yett is not of abillity to recover her owne"). She asked the right to sue under "forma pauparis" and was again referred to the council of Newport.¹⁰⁶

An extremely interesting type of case for consideration by the general assembly was that connected with the disposal of property forfeited to the crown by those executed for certain offenses.¹⁰⁷ In 1670 Thomas Flounders (or Flunders) was executed for murder, whereupon his property was taken by the crown. However, the dis-

¹⁰⁴ *Recs., Providence*, IV, 91-93. ¹⁰⁵ *R.I. Col. Recs.*, III, 77-78. ¹⁰⁶ *Ibid.*, p. 115.

¹⁰⁷ *Ibid.*, I, 163: "Acts and Orders Made and Agreed Upon at General Court of Election, 1647."

posal of property received from fines and forfeitures had been delegated to the colonial assembly, which was therefore free to proceed in this case. The assembly first declared that the expenses connected with "apprehending, imprisoning, trying and executing" the prisoner were to be paid out of this estate, the remainder should then be given to the widow for the support of herself and child. Furthermore, until such time as the necessary administration of the estate should take place, the widow was to be given the use of the household goods and certain of the live stock. Thus it was provided:

. . . The Assembly commiserating the solitary and poore estate and condition of Sarah, the late wife of the forenamed Thomas Flunders, alias Flounders, doe freely give all the remainder of the said estate vnto the said poore widdow, for the reliefe, and comfort of her and her poore infant, to be delivered to her on her order, when time shall be conveniante as aforesaid. And farther doe order, that for her presant releife in the meane time, she shall have all the bedding and household stuffe, and one cow and one hogge, together with the corne, given and delivered to her vse out of the said and the remainder of the rest afterward as afore pre-premised.¹⁰⁸

DOMESTIC PROBLEMS ENCOUNTERED

That the towns frequently had to deal with difficult domestic problems is illustrated by the case of the Pierces—Hannah and Ephraim. On the town records for October 12, 1691, is found the notice of a warning which Ephraim had published in a "publick place by writing" a week before. This warned all people against having any "Trading" with his wife Hannah, either to "Buy or sell with her" or to entertain her in their "families." This was forbidden "upon their perrils."¹⁰⁹

As a result of this action the town meeting of October 16 was very busy with the affairs of the Pierces. Mrs. Pierce petitioned the town for help, wisdom, and counsel because the farm had been sold, people had been forbidden to trade with her, and she had been locked out of the house. But her own words best tell of her troubles and of her request for protection:

¹⁰⁸ *R.I. Col. Recs.*, II, 363-64. For an interesting account of the charge and examination of the prisoner see *ibid.*, pp. 341-42. For the jury trial and verdict see *R.I. Court Records*, II, 97-98. The case of Thomas Cornell (*R.I. Col. Recs.*, II, 486) illustrates similar procedure regarding the property of one who had been executed.

¹⁰⁹ *Recs.*, *Providence*, IV, 80.

The town of providenc being mett 16 octt 1691

The pettition of hanna perce the wyff of Ephram perce

Wheras my hwsband having sett vp severall bills prohibtting any person to tred w^t me: and also he hess sold the farme and this morning he hes Locked me owt at door: yowr Cear [care] and also yowr Wisdom Cownssell is y^t which yowr petitioner desyres Living [leaving] all to yow for pro^{tt}

the mark of

Hanna X perce¹¹⁰

As a result of this, the town ordered both of the Pierces to appear at the next quarter meeting.¹¹¹

Mr. Pierce was then made to sign an agreement that he would not sell, mortgage, or in "no wayes Barga|ine|" concerning his house and lands in Providence before such a date without the consent of a committee of three, who were named. This was also to void a mortgage that had already been made. The reason for this action was given as the likelihood of the estate to "fall to Ruin & thereby the Towne is like to have charge fall upon them. . . . Therefore for the bennefiitt of the said Ephraim Pierce his wife & family & for the securitye of the Towne. . . ."¹¹²

In December the foregoing agreement was retracted and Mr. Pierce resumed all power over his estate.¹¹³

COLONY ASSUMES RESPONSIBILITY FOR RELIEF OF DESTITUTION RESULTING FROM THE REVOLUTIONARY WAR

While it is not intended in this study to discuss in detail the special measures and procedures taken for the relief of destitution during the Revolutionary War, mention should be made of one aspect of this provision, that of colony rather than town responsibility. The first important instance of this is noted in 1775 when the general treasurer was ordered by the general assembly to give £200 to the overseers of the poor at Newport, which town had been taken by the British and much damage done to property. Two additional overseers of the poor were appointed to help carry out the extra burden of relief. Provision was also made for the removal of many citizens from the town who were to be given a certificate enabling them to receive support from the colony in case they became charge-

¹¹⁰ *Ibid.*, XVII, 140.

¹¹² *Ibid.*, XVII, 139.

¹¹¹ *Ibid.*, VIII, 179.

¹¹³ *Ibid.*, IV, 83.

able in the town to which they removed.¹¹⁴ Providence offered at this time to take and support four hundred of the poor from Newport,¹¹⁵ although later an appeal was made for aid for these refugees saying that there were two hundred and fifty in the city with no means of support.¹¹⁶

Other towns which had been invaded, especially Bristol, appealed for aid, and there are numerous reports of great suffering, especially on the island.¹¹⁷ Cash grants as well as firewood and food were given by the general assembly during a period of six years.¹¹⁸ In addition to free distribution of supplies, legislation regulating wages and cost of provisions was passed and the overseers of the poor or the town council were delegated as the persons to whom complaints of infractions against monopoly laws should be directed.¹¹⁹ While the overseers of the poor, as has been indicated, were given duties in carrying out these special relief provisions, measures were also passed providing for the appointment of special committees to remit and reassess taxes and to supply food for soldiers' families, with penalties upon those towns which neglected the responsibility.¹²⁰

¹¹⁴ *Acts and Resolves at the General Assembly of the Governor and Company of the English Colony of Rhode Island and Providence Plantations . . . October, 1775*, p. 140. (Hereafter referred to as *Acts and Resolves*.)

¹¹⁵ Samuel Greene Arnold, *History of the State of Rhode Island and Providence Plantations*, II, 364.

¹¹⁶ *Ibid.*, p. 412.

¹¹⁷ E.g., Bristol petitioned the assembly in 1778 saying that because of the burning and destroying of "dwelling houses, furniture, clothing, etc.," the citizens had become beggars and were living upon the charity of their friends and neighbors. "Therefore it prayed this Assembly to take their distressed circumstances into consideration and grant them some relief." The assembly voted to give £330 to Bristol at this time (*Acts and Resolves*, May, 1778, p. 9). In 1779 Governor Greene petitioned Congress for authority to bring in supplies from Connecticut (an embargo had been declared against this), saying that if "relief is not speedily granted, many of the poorer sort of inhabitants, especially those that have come off from Rhode Island, must inevitably perish for want." A similar letter was written by Governor Greene to the assembly at Connecticut stating that "the most obdurate heart would relent to see old age and childhood, from comfortable circumstances reduced to the necessity of begging for a morsel of bread" (Arnold, *History of the State of Rhode Island*, II, 434-35; *R.I. Col. Recs.*, VIII, 416, 474-75, 498).

¹¹⁸ Arnold, *History of the State of Rhode Island*, II, 452; *R.I. Col. Recs.*, VIII, 27, 626, 637-38.

¹¹⁹ *R.I. Col. Recs.*, VIII, 184.

¹²⁰ *Ibid.*, p. 315.

In 1781 the general assembly repealed the act providing support by the colony for the war sufferers, but there are cases illustrating the procedure during the years it was in effect.¹²¹ Thus in 1778 the general treasurer was ordered to pay the overseer of the poor of Richmond for the care of Sarah Jones, a pauper belonging to Newport. The first bill for her board, nursing, and removal to the home of the overseer of the poor amounted to £19 16s. A second bill for board and nursing totaled £32 8s.¹²² This, however, was to be held as a debt against the town of Newport.¹²³

An act passed in 1778 assured freedom from slavery and state support, in case of subsequent destitution, to those slaves who would enlist in certain continental battalions.¹²⁴ Frequent cases were recorded of care given under this provision. One such is that of Tony Rome, for whom bills for clothing and support were recorded until the final entry for the expenses of his last sickness and burial in 1795.¹²⁵

DIVISION OF RESPONSIBILITY IN NEWLY SETTLED JURISDICTIONS

As a corollary to the strict enforcement of the provisions for local responsibility for the care of the poor was the necessity of dividing up the poor under care of the towns where divisions in jurisdiction were made. Thus in 1741 the towns of East and West Greenwich were separated. In this case the money in the town treasury, as well as the "poor in said Towns," was proportioned between the two divisions. The delegation of responsibility was so finely drawn here that the expenses for the care of one woman were equally divided between the two jurisdictions, and so each was to "be at one half the charge in keeping and maintaining the widow Elizabeth Low in meat, drink and lodging and washing and apparel for the future."¹²⁶

When Cranston was separated from Providence in 1754, the poor

¹²¹ Arnold, *History of the State of Rhode Island*. II, 467.

¹²² *R.I. Col. Recs.*, VIII, 477; see also *Acts and Resolves*, June 1779, p. 26, for similar cases.

¹²³ *Acts and Resolves*, October, 1778, p. 7.

¹²⁴ *Ibid.*, February, 1778, pp. 14-15.

¹²⁵ *Ibid.*, October, 1792, p. 3; *ibid.*, January, 1795, p. 16.

¹²⁶ Greene, *op. cit.*, p. 16.

were divided between the new governments according to the levy of the previous rates.¹²⁷

Unprejudiced assistance seemed necessary to aid with the division of the poor, however, when the towns of Scituate and Foster were separated in 1781. In this instance the general assembly appointed the chairman of a committee, who was to act as arbitrator. The person appointed was agreed to by each of the towns. The tax lists and names of residents were to be included in the procedure. About a year later a report was made back to the assembly that the division had been satisfactorily carried out.¹²⁸

BEGINNING OF INSTITUTIONAL CARE

Although the real development of institutional care for the destitute and vagrant in Rhode Island began with the first quarter of the nineteenth century, there was some provision for this form of care in the colonial period, especially the last half of the eighteenth century.¹²⁹

The first almshouse was erected in Newport by vote of the town in 1723.¹³⁰ The wards of this institution were allowed to beg on the streets to help out with their support. In 1729 and 1730 John Comer writes in his diary of his visits to the almshouse to comfort the inmates there. Thus of one visit he writes: "This day I being sent for to y^e almshouse by Mrs. Steadman being yⁿ sick: went and prayed with her. She seemed in great terror about her soul. . . ." ¹³¹

In 1725 an act was passed by the general assembly enabling the towns on the mainland, or "so many of them as shall agree together," to build a house of correction. This could, however, hardly be called a strictly penal institution, as it was to include as its wards "idle persons, and vagrant and mad persons."¹³²

¹²⁷ *R.I. Col. Recs.*, V, 390.

¹²⁸ *Acts and Resolves*, December, 1781, p. 24.

¹²⁹ The letter of instruction given by the crown to Andros on his becoming governor of New England in 1688 had included authority to build "publick work houses in convenient places, for the employing of poor and indigent people." There is no evidence of this having been carried out (*R.I. Col. Recs.*, III, 253).

¹³⁰ Arnold, *History of the State of Rhode Island*, II, 74.

¹³¹ *The Diary of John Comer*, ed. (with notes) C. Edwin Barrows ("Collections of the Rhode Island Historical Society" [Providence, 1893], VIII, 84).

¹³² *R.I. Col. Recs.*, IV, 365.

PROPOSALS FOR COUNTY WORKHOUSE

The next movement came in 1738 when a proposal was made to erect a county workhouse for the poor of Providence County. Representatives were appointed to attend a meeting for the discussion of plans, but the proposal was not put into execution.¹³³

In 1753 the project for a Providence County workhouse was renewed before the general assembly by the five towns of the county—Cumberland, Glocester, Providence, Scituate, and Smithfield. At this time legislation was enacted for carrying out the plan.

The first part of this statute provided for the establishment of the institution, for the method by which the towns should be rated for paying for its erection, and for the support of the poor persons sent to it. This act stated:

Whereas the Representatives of all the towns in the said County of Providence [had] agreed that a suitable Building be erected in some convenient Place in the said County, for entertaining and employing the Poor of the said County in; and that, towards the Expence of the building such a House, each of the said Towns [should] contribute and pay in the same Proportion, One to another, as they severally stand rated in the last Act of this Assembly, for proportioning the Colony Tax on the Towns in it; and, that after said House is built, each Town shall be at the expense of supporting such poor Persons as they send thither.¹³⁴

A second section provided for the administration. This was to be under the direction of a board of representatives chosen one from each of the towns mentioned. They were empowered to agree upon the place for locating the institution, the form, and determine the dimensions, manner, materials, and cost, with rates for each town. After the building was completed, the "said Persons, chosen as aforesaid [should] . . . have Meetings, Once every Quarter for the taking Care of, and seeing the Work aforesaid duly performed." Each town should annually, furthermore, choose its representative to this body of administrators. The "overseer" was to be appointed by this board, who were also authorized to draw up such "Rules and Orders, for the government thereof, as [should] be necessary, [should] see that the Poor therein [were] duly provided for, looked after and

¹³³ William Read Staples, *Annals of the Town of Providence from Its First Settlement to the Organization of the City Government in June 1832*, p. 194.

¹³⁴ "An Act, establishing an Alms-House and Work-House in the County of Providence," *Acts and Laws* (1767), p. 8; Arnold, *History of the State of Rhode Island*, II, 185.

employed." Further delegation of power was granted by the provision that this body "[should] do all other Things that [should] or [might] be necessary, for the building, furnishing, well ordering and continuing the House aforesaid, and [should] keep fair Accounts of all their Doings, in a Book to be kept for that Purpose." Their acts, moreover, were to be as binding as though done by the general assembly.¹³⁵

It was voted that the privilege of joining in this project was to be extended to the towns in the counties of Bristol and Kent, if these towns so desired.¹³⁶

There is no evidence that this plan was ever carried out, or, if carried out, was continued long as a joint establishment. It led, however, to the later established Providence workhouse, which continued as an institution for a long period of time.¹³⁷ In 1756 a committee was appointed to prepare a bill for making the workhouse in Providence serve also as a House of Correction.¹³⁸

In 1745 an act was passed which empowered the overseers of the poor of Newport to commit to the workhouse in Newport persons who might become chargeable. This included "idle, indigent" persons who by their "ill Courses" seemed likely to become a charge upon the town.¹³⁹

DUTIES OF WORKHOUSE OVERSEERS

In 1765 an act was passed which gave broad administrative powers to the overseers of the Newport workhouse. This statute provided that these overseers should have the same power as the overseers of the poor to commit indigent and idle persons to the workhouse. To them was also given authority to grant warrants to the town sergeant or constables to take up any such "Person or Persons as [could] not give a good Account of themselves, or of their Way of living."

The power to bind out, for a term of service not exceeding four years, any person committed to the workhouse who seemed likely to become chargeable was another right given to the workhouse over-

¹³⁵ "And for encouraging, and carrying into Execution, so laudable an undertaking," *Acts and Laws* (1767), pp. 9-10.

¹³⁶ *Ibid.*, p. 10.

¹³⁷ Staples, *op. cit.*, p. 195.

¹³⁸ *R.I. Col. Recs.*, V, 498.

¹³⁹ *Acts and Laws, 1745-1752* (1752), p. 11.

seers. This included the apprenticing of children to some "credible person" in or out of the jurisdiction ("Government").

Vagrants might also be apprehended by the workhouse overseers. These "stragglers" so apprehended were to be returned to the town in which they belonged, whether in or out of the colony of Rhode Island, "in Manner as hath heretofore been customary, agreeable to Law." If, however, the overseers of the poor of the town to which such vagrants were returned thought themselves "aggrieved" by the action of the overseers of the workhouse, they might appeal to the town council.

An especially interesting provision of this regulation was that concerning any person who attempted or succeeded in getting into the workhouse contrary to the order of the overseers. This person was to be fined not exceeding 40s., to be given for the use of the town. On the other hand, it was an offense to entertain or harbor a person who had left the workhouse without leave. Therefore, any person so harboring such an individual who did not immediately "give notice thereof" to one of the overseers or the keeper might be fined not to exceed 40s.

In addition to these specific regulations made by the general assembly, the freemen of Newport were delegated "full Power and Authority" to make rules and orders for governing and punishing all persons committed to this workhouse. This included the regulation for inflicting corporal punishment.¹⁴⁰

MONEY RAISED BY LOTTERIES

Two other interesting moves, in relation to the establishment of workhouses, occurred in the decade of the 1760's. In 1764 a petition was referred from the votes of the West Greenwich town meeting for permission to conduct a lottery to raise money to build a workhouse. This was asked for because it would provide a more "easy maintenance of the poor of said town." The general assembly granted the town the right to sell lottery tickets to raise £130 for this purpose.¹⁴¹

¹⁴⁰ "An Act, empowering the Overseers of the Work-House of the town of *Newport* more effectually to secure said Town from Costs and Expenses arising from idle and disorderly Persons," *Acts and Laws* (1767), pp. 198-99.

¹⁴¹ *R.I. Col. Recs.*, VI, 394-95.

Five years later North Kingston reported that it, too, was "greatly burthened with poor people." For this reason the "building of a workhouse in the said town, in which to employ the poor, [would] be of great advantage." However, the town did not have funds for this purpose, so "prayed" the general assembly to be granted a lottery to raise £120 to be so applied. The general assembly reported that it was "agreeable" to this scheme.¹⁴²

An effort has been made to show in this chapter the development of both the statutory provisions and the administration of public poor relief in colonial Rhode Island. It has been seen how the colonists first adapted the principles of the Elizabethan Poor Law; then, as situations arose which called for special attention, these principles were adapted or special legislation was passed to deal with the changing conditions. Precedents which had been set by the English law were used in the towns of the colony before statutes adopting such provisions were passed by the general assembly. Provision for administration became more definite as life grew less simple, and authority was delegated by the town meetings to the town councils and to the overseers of the poor, as the latter office became more specifically concerned with the relief of the poor.

Little difference existed between the economic situation of any one and any other early settler, so that relief was largely in the nature of neighborly friendliness. Aid was given, mostly, in the homes or by paying a neighbor for the care of a poor person. However, toward the end of the period, the beginnings of institutional care have been observed.

While it will be seen that efforts were made to avoid chargeability by strict settlement requirements and by provision for removal, when responsibility was acknowledged, observation of the methods used in individual cases indicates that considerable attention and time were devoted both in town and in council meetings, and on the part of the delegated authorities, to the rendering of kindly and satisfactory relief.

¹⁴² *Ibid.*, p. 598. See chap. v, this volume, for discussion of the use of the lottery as a means of obtaining funds for aid to the destitute. See below, Appendix III, p. 276, for scheme of lottery.

CHAPTER III

COLONIAL SETTLEMENT AND REMOVAL

The settlement law in colonial Rhode Island, like the legislation providing relief for the destitute, was slowly built up from practices in the early town governments. These practices had been based on English precedents.¹ Each town, as founded, formulated its own rules, regulating the basis upon which it should allow persons ("strangers") to dwell therein. After the formation of a central government, this right was formally delegated to the towns by the general assembly.² Thus for over a hundred years there was no statute "determining legal settlement" and the series of inadequate regulations caused frequent controversies over their enforcement.³

It should be noted that from the beginning there was a distinction between those persons permitted to dwell in a town and the freemen, who were privileged to vote, to hold office, and to enjoy certain privileges in the use of common lands and other natural resources.⁴ The development of this distinction, however, is not an important point in this present study, the interest of which lies primarily in the responsibility for the destitute in its relation to the settlement law.

¹ See Josiah H. Benton, *Warning Out in New England* (Boston: W. B. Clarke Co., 1911), for a history of the development of these precedents and a discussion of the procedure followed out in early New England.

² See below, pp. 46-47.

³ See below, pp. 65, 67-68.

⁴ The freemen could and did extend certain of these privileges, by vote, to inhabitants. For illustration of these distinctions see *The Early Records of the Town of Providence* (hereafter referred to as *Recs., Providence*), II, 29, 94, 112, 117, 124, 146; *ibid.*, XV, 112; *Early Records of the Town of Warwick* (hereafter referred to as *Recs., Warwick*), pp. 68, 70; *Laws and Acts Made from the First Settlement of Her Majesties Colony of Rhode Island and Providence-Plantations* (hereafter referred to as *Laws and Acts*), 1636-1705, pp. [35-37]; *Acts and Laws of the English Colony of Rhode Island and Providence-Plantations in New England in America* (hereafter referred to as *Acts and Laws*) (1767), p. 78; Samuel Greene Arnold, *History of the State of Rhode Island*, I, 256; Edward Field (ed.), *State of Rhode Island and Providence Plantations*, III, 49; *Records of the Colony of Rhode Island and Providence Plantations* (hereafter referred to as *R.I. Col. Recs.*), IV, 38; *ibid.*, VI, 270.

EARLY REGULATION OF INHABITANCY A
MEANS OF PROTECTION

If the regulation of inhabitancy, as made first by the individual towns and later by the central authority, seems harsh, one must recall the poverty of the colony and the necessity for limiting potential charges upon the overburdened and often empty treasury. Then, too, as has been indicated, Rhode Island was thought of as a haven for those persons unwanted elsewhere, and might easily have become the destination of all types who sought protection from justice as well as of those who sought civil and religious freedom.⁵ Thus in early days was initiated the policy which long continued to give Rhode Island the strictest requirements for settlement of any state in the Union.

ROGER WILLIAMS SETS THE PRECEDENT
FOR RESTRICTION ON RESIDENCE

The first reference to a provision for admission to a community in Rhode Island was made by Roger Williams in the "Initial Deed" of land purchased from the Indians for the founding of the colony. This reference was a statement regarding the sharing of the lands with his "loving friends and neighbors," whose names were listed and "such others as the major part of us [should] admit into the same fellowship of vote with us."⁶

Further effort to limit the inhabitancy was made by what was said to be a second group of settlers, in their subjection to the town

⁵ This fear was expressed in action taken by the Providence town meeting in 1680, to protect the community from those who sought to escape the law in neighboring colonies. Thus: "Votted, whereas it hath beene (of Latter times) frequent for Strangers to Shroud themselves within this jurisdiction from y^e justice of y^e Law in o^r Neighbour Collonies: and for y^e prevention thereof heare for y^e future, This Towne hath now Chosen Richard Arnold & John whipple jun^r: to draw vp an order Against such proceedings of such persons|heare after| among vs, And present |it| to y^e Towne at y^e next Towne Meeting for theire Consideration and Approbation" (*Recs., Providence*, VIII, 86). Licenses granted to "publick house" keepers also made provision for similar protection. Thus in 1682 one such license granted includes the promise not to "willingly harbour in my sayd house, or in my Barnes, Stables or other where, any Rougs, vacabonds, Sturdy beggars, masterlese men or other Notorious offenders whatso Ever" (*ibid.*, XVII, 5-6).

⁶ *R.I. Col. Recs.*, I, 19.

government, as established by "the major consent of the present inhabitants . . . and others whom they [should] admit. . . ."⁷

Although the first regulation made by the founders of Providence in regard to the voting-in of inhabitants is not available, the nature of this regulation is indicated by an alteration of this method, adopted after it had been in use but a few months. This alteration provided that in case one wishing to settle there could not remain for the month required for voting-in after being propounded, a special town meeting might be called for this purpose, upon four days' warning. Thus it appears that the earliest regulation in Providence had provided for the propounding of a stranger wishing to inhabit there one month before he was to be voted upon.⁸ As a possible discouragement to settlers, it was ruled during the next year that no inhabitant should sell his field or lot to any person except an inhabitant without the consent of the town.⁹

In 1640, when a more definite form of government was established in Providence, the five "disposers" who were "betrusted" with the disposal of lands, the town stock, and "all Generall things" agreed to receive no inhabitants without giving notice to the townsmen.¹⁰

PRIVILEGES TO EARLY TOWNSMEN

An indication of the discrimination against those persons not yet received into a community was a regulation adopted in Providence in 1652. This provided that in case a writ to appear for trial was issued to a "housekeeper," warning by the town sergeant was sufficient. If, however, it were issued to one not a townsman, he should be kept in custody until satisfactory "Bayle" was given.¹¹

Dissatisfaction with the manner in which the regulations were

⁷ *Ibid.*, p. 14.

⁸ *Ibid.* (1636), p. 14; William Read Staples, *Annals of the Town of Providence from Its First Settlement to the Organization of the City Government in June, 1832*, p. 22; Howard M. Chapin, *Documentary History of Rhode Island, Being the History of the Towns of Providence and Warwick to 1649 and of the Colony to 1647* (Providence: Preston & Rounds Co., 1916), pp. 42-43.

⁹ Staples, *op. cit.*, p. 23.

¹⁰ *R.I. Col. Recs.*, I, 28: ". . . To give to the Inhabitants notice to consider if any have just cause to shew against the receiving of him, as you can apprehend, and to receive none but such as subscribe to this our determination."

¹¹ *Recs.*, *Providence*, II, 67.

being enforced was indicated by a complaint made to the town meeting in 1681. This complaint stated the need for some effective means for preventing strangers from coming in to reside because the justices, although requests for action had been made to them, were "sheltering" rather than preventing settlement.

As a result, the meeting voted authority to the town council or "y^e major part of them" to regulate "y^t Affaire" as having power for the whole town meeting.¹² However, in 1687 there still seemed to be difficulty over the keeping-out of troublesome and chargeable strangers. At that time the town meeting voted that the selectmen (council) should be given power to examine, to remove, or to take bond to secure the town against charge, while the constables were responsible for the removal itself.¹³

It should be noted that, while the stringent settlement requirements were developing, on the other hand the colony had, as early as 1650, taken steps to protect its residents by passing an act providing that no person should be banished from the colony.¹⁴

NEW SETTLEMENTS ATTEMPT TO CONTROL NUMBER OF INHABITANTS

As new towns were founded, each established measures for controlling the number of its inhabitants. Thus Portsmouth, in 1638, decreed that none should be received but those agreed upon by the "consent of the Bodye."¹⁵ In 1654 the town meeting voted that no inhabitant should entertain any "sojourner" longer than one month without the approval of the town, and provided that the magistrate should give a license until a town meeting was held. The penalty for disobedience was placed at £5 for each month of offense.¹⁶ It would seem, by action taken in 1670, that authority for administering the regulations in relation to settlement had not been properly delegated. At that time, then, this power was voted to the overseers of the poor. Thus:

. . . . Several persons are Suffered to Inhabitt and abide in the towne Whereby the Towne are and may be putt to greate Charge: the Towne doe Order that

¹² *Ibid.*, VIII, 104-5.

¹⁴ *R.I. Col. Recs.*, I, 229-30.

¹³ *Ibid.*, pp. 174-75.

¹⁵ *Ibid.*, p. 53.

¹⁶ *The Early Records of the Town of Portsmouth* (hereafter referred to as *Recs.*, *Portsmouth*), p. 61.

Some persons be chossen and impowred to forwarne all persons who are in this Towne & not Orderly Received or that Shall come into this Towne for abideinge in this Towne without Consent of the Towne. The persons Chossen and impowred are the Overseers of the poore in this Towne and William Wodell is aded to them.¹⁷

However, in 1690 a special committee of four men was appointed to warn strangers out of the township or to take sufficient security "to bear the Town harmless or Keep the Inhabitants thereof from Charge."¹⁸

Warwick, with the beginning of its town government in 1648, provided for the voting-in by "papers or beanes" of persons who had been propounded.¹⁹ A further regulation was added in 1658 with the provision that a person wishing to be received must first be approved by the town council and then voted upon by the inhabitants at the first town meeting following.²⁰ Measures to protect the town from being charged with supporting strangers who were entertained by inhabitants were taken in 1657. These provided that if the town officers did not approve of any person so being entertained and the host refused to give security, the magistrate might order the host to send away (return) his guest, or, if he refused, to pay £5. The constable was delegated as the enforcing officer.²¹

GENERAL ASSEMBLY MAKES REGULATIONS

Meanwhile, as these town regulations were developing, the general assembly had begun its series of statutes culminating in the act of 1748.²² In 1655 the body passed its first regulation concerning the person not settled. This, however, was a protective rather than a suppressive measure, providing that a person not yet received in any town in the colony, who was sent for by another jurisdiction, should be protected to the extent that the town officers should make the decision as to the return, or, if there was any difficulty over the case, it should be referred to a town meeting.²³

The most important of the early statutes passed by the central authority was the one of 1662. This act put upon each town council

¹⁷ *Ibid.*, p. 157.

¹⁸ *Ibid.*, p. 241.

¹⁹ *Recs., Warwick*, p. 35.

²⁰ *Ibid.*, p. 109.

²¹ *Ibid.*, pp. 106-7.

²² See below, p. 49.

²³ *R.I. Col. Recs.*, I, 307.

the responsibility for taking such security "as to them [should] seem needful" of persons (strangers) coming there to inhabit, as would secure the town from any charge that "[might] happen or accrue thereby."²⁴

Attention will be called later to an act passed in 1702 which made shipmasters responsible for chargeable passengers brought by them. If such passengers were not accepted by a town, they were to be taken out by the master of the ship; if he refused, he might be jailed until he consented or gave security for their care to the extent of £100.²⁵

A statute passed in 1664 undertook to prevent the settlement on lands not yet inhabited, by groups or individuals, who might be undesirable to the colony. This ruling provided that no person should come to settle, build, or inhabit without permission from the general assembly or by virtue of authority.²⁶

An interesting ruling is one made by the general assembly in 1682, in response to a request from the Providence deputies for interpretation of the extent of power of the town council in regard to the rejection of inhabitants. The assembly gave as its opinion that the councils had power to reject any person unless sufficient bond, as decided upon by the council, should be given. Moreover, if the major part of the council decided to warn any person to depart by a given time and this person neglected or refused to comply, a warrant should be issued to the constable for his removal. If, moreover, the person so removed returned without permission, a fine not exceeding £5 should be levied, or, in default of it, he might be whipped not exceeding twenty stripes for each return.²⁷

In 1696 authority to deal with the new settlers on the land in Narragansett County was given to the towns of Westerly and Kingston. If, however, satisfactory agreements were not reached in this way, the matter should be referred to the general assembly for action.²⁸

²⁴ *The Charter and Acts and Laws of His Majesties Colony of Rhode Island and Providence Plantations in New England* (hereafter referred to as *Acts and Laws*) (1719), p. 12.

²⁵ *Laws and Acts, 1636-1705*, p. 53.

²⁶ *R.I. Col. Recs.*, II, 30.

²⁷ *Ibid.*, III, 116-17.

²⁸ *Laws and Acts, 1636-1705*, p. [40].

In 1702 a general statute was enacted covering those that had already been enacted in town meetings, preventing the harboring of strangers. This was aimed both at preventing such persons from becoming a charge upon the respective towns and at keeping the colony free of undesirable citizens. Thus, the introduction stated:

Whereas divers Vagarent & Poor P^{er}sons coming into y^e Respective Towns in this Colony have frequently been Ent^{er}tained wthout y^e approbation & knowledge of y^e authority So y^t Sundry p^{er}sons have become a burthen to y^e Towns & well Effected p^{er}sons in y^e Same & by their Idle & uisious lives & Conversations have brought a Reproach Upon y^e Govern^t & many times Runaways & Deserters of his maj^{ty}s Service have been harboured & Consealed to y^e great Scandell of y^e Authority afores^d.

The penalty for so harboring a stranger for more than one week without informing the assistants or justices was £5 for the use of the poor or whipping or imprisonment in the house of correction. Furthermore, the inhabitant who had entertained the stranger must bear any costs arising out of his poverty.²⁹

A more comprehensive and binding act was passed in 1727 which provided that the councils should have authority to refuse bonds for persons whom they might think undesirable. Furthermore, the failure of any stranger to seek permission of the town council within a month after arrival to remain for any considerable time was sufficient cause for his conveyance out of town by a justice or warden. This statute added, specifically, that tavern-keepers, inn-holders, victualers, or other persons were included among those responsible for giving notice of a week's entertaining of a stranger. An additional provision was that a person who returned after being sent out should pay a fine of 40s. or be whipped with thirty-nine stripes.³⁰

An amendment to the statute regarding the responsibility of shipmasters for the persons they brought in was made in 1729. This

²⁹ "An act ffor y^e Preventing the Inhabitants of this Colony from Harbouring & Consealing Vagaren [vagrant] Persons, Runaway's: & Deserters of his Majestys Seruice" (*ibid.*, pp. [52-53]).

³⁰ These persons were described as being able "often times by their cunning Insinuations [to] so far prevail upon some of the Inhabitants (who are of a flexible Disposition) as to tender bonds for them to the Town Council." No law in the colony enabled town councils to send such persons out of the several towns after sufficient bonds to indemnify had been tendered (*Acts and Laws of His Majesty's Colony of Rhode Island and Providence Plantations in New England* (hereafter referred to as *Acts and Laws*) [1730], pp. 150-51).

lowered the previous bond of £100 to a bond of £50 and included as exceptions those persons from Great Britain, Ireland, Jersey, and Guernsey.³¹

INADEQUACY OF THE SCATTERED REGULATIONS RECOGNIZED

These scattered regulations were naturally not sufficient protection, and, moreover, as yet no general definition of settlement had been made. Some indication of the perplexities of the towns in their efforts to interpret and enforce the existing regulations is seen in the following petition from Portsmouth to the General Assembly in 1739-40:

To the General Assembly to be held at South Kingston by Adjournment the last Tuesday of February so Called AD 1739/40:

The Petition of ye Town Council of Portsmouth Humbly sheweth that Whereas divers times Differences hath Risen And may again arise Concerning ye maintaining of poor People when they fall to decay. Some thinking they may at Any time be sent to ye Place of their Birth. Others Are of Opinion that the place of their last Lawful Settlement is ye Place they Should be sent to; And the Laws of England being divers, and not so easily come at nor so easily understood as those of our own (by all Capacities). We do therefore humbly pray that you would be pleased to take the matter into your Consideration and make such Acts as you in wisdom think meet Setting forth how and by whom matters in Controversy of that Nature shall be tried and decided. And what shall make a Settlement, Whether the last Settlement, or ye place of Birth shall be the place they Shall be Sent to to be maintained. And we doubt not but your so doing will be a great ease to the Several Town Councils in this Government as well as to prevent many Differences and disputes that might otherwise arise. And will be great Satisfaction to many of ye Inhabitants thereof And your Petitioners as in duty bound Shall ever pray etc.

Preserved Fish	Job Shearman
Jacob Mott	Abraham Anthony
Wm Earl	Sten Brayton ³²

In 1748, therefore, an act, introduced by the following resolution, was passed:

Whereas there is no Law of this Colony, for determining a legal Settlement in any Town in the same, which often causes great Controversies between Towns, in the Removal of their Poor, and the Laws already in Force for Removal of poor Persons

³¹ *Ibid.*, pp. 185-86.

³² MS Petitions to Rhode Island General Assembly, 1739-42 (Archives, State House, Providence), IV, 11.

*from their illegal to their legal Place of Settlement, not being so agreeable to the Constitution of this Government as might be, . . .*³³

Following this came the comprehensive statements regarding the manner of gaining settlement, the procedure for removal in case of need and the penalties for disobedience of the regulations.

SETTLEMENT REGULATIONS ENACTED

The specific provisions included first a statement as to the means of gaining settlement. The one month's notice to the town council in writing of the former ruling was continued. This notice was then described as to nature of contents, calling for the place of birth, the last legal settlement or residence, and the number in the family (if any). If the request to obtain settlement was approved, the order was to be entered in the town-council book. Furthermore, if a person continued in a town for the space of one year after the notice had been given, without being warned out, he gained a settlement. It was also provided that the purchase of a freehold to the extent of £30 sterling entitled one to settlement.

Rules were also made at this time to regulate the settlement of apprentices. These provided that any apprentice bound out for a term of years into any other town than that of his birth, who served out his term there, should himself decide whether that place or the place of his birth was to be his residence. However, if he returned to the place of birth when the term was over, and remained there for one year or otherwise absented himself for one year (except at or over the sea) from the town of his apprenticeship, the birthplace became the residence.

OVERSEERS OF THE POOR TO ADMINISTER PROVISIONS FOR REMOVALS

Provision for administration of the act was also set out. Thus it stated that any person residing in any town in the colony who was not legally settled as directed in the act, who had become or was likely to become chargeable, should be reported to the town council,

³³ *Acts and Laws of His Majesty's Colony of Rhode Island and Providence Plantations* (hereafter referred to as *Acts and Laws*), 1745-52, pp. 48-51: "An Act directing the Method of gaining a legal Settlement in any Town in the Colony, and for Removal of poor Persons from their illegal to their legal Place of Settlement."

by one or more overseers of the poor, or the town sergeant. If the overseer should judge that there was need for action sooner than a regular meeting of the council would be held, he could require the sergeant to order a special meeting. At this meeting the council was empowered to inquire "by oath or otherwise" of the "poor person" as to his last legal residence, or, if there was none, the place of birth. If this residence were found to be a town in the colony of Rhode Island, an order should be given to the sergeant or a constable to remove the applicant to this residence. If, however, no legal residence had been gained since birth, the birthplace should be the destination of the removal. The poor person was to be delivered to the overseers of the poor of the town to which he was removed, together with an "authentick" copy of the order of removal.

In order to avoid disagreements, it was further decreed that any overseer who refused to receive a person removed to his town should forfeit the sum of £50, which might be recovered by an action of debt from the town treasurer of the town to which the person was removed (this sum to be given for the use of the poor). However, if the overseer of the poor in the town to which the poor person had been removed felt that an injustice had been done, he could appeal to the next general session of the justices of the county, or, if the towns were in different counties, to the next superior court of judicature, court of assize, and general jail delivery, to be held in the county from which the person had been removed. If, at the hearing, the order was affirmed, the town which had appealed was compelled to pay both the cost of the trial and the charge of removal. If, however, the order was reversed, the town from which the person had been removed had to bear the costs plus the charge for support between the time of removal and the reversal of the order. Each town was to bear a part of the charge of moving the person back to the town from which he had been removed.

The statute further gave authority to the town sergeant bearing an order of removal to go into any town in the colony for the purpose of executing it. A penalty of £50 was placed upon his neglect to execute the order, this sum also to be used for the support of the poor.

If, on examination, it was found that a poor person belonged

outside of the colony, in a town in a neighboring jurisdiction, the town council was authorized to send a written order so certifying and to request the justices of the designated town to remove the person to his proper place of abode, "by virtue of the Laws of England."

DEVELOPMENT OF THE LEGISLATION DURING THE COLONIAL PERIOD

Thus was finally set down a central regulation, after a century of effort of enforcement of local measures. But few changes were made in this law during the period now under consideration, or until the end of the eighteenth century. In 1765 the value of the freehold necessary to give settlement was increased to £40. The penalty placed upon the town sergeant or constable for neglect or refusal of duty was reduced to £6. In 1727 the penalty of a host for neglecting to inform the town council of a stranger being entertained by him had been placed at £5. This was decreased to 40s. in 1765. In 1767 the clause permitting the town council to bind out poor children, who might become chargeable, was added to the statute.³⁴

PROVISION FOR CERTIFICATES OF LEGAL INHABITANCY

The granting and acceptance of certificates of legal inhabitancy, widely used as a means of permission to change residence in both colonial and modern periods, had no express foundation in Rhode Island statutes. The practice was based upon English legislation which had provided that the church wardens or overseers of the poor of one parish might issue to the corresponding officers of another parish a certificate of acknowledged responsibility for the support of persons removing from the jurisdiction of one to the other, and authorizing their return in case they became destitute. When colonial Rhode Island formally adopted the principles of the English Poor Law, this practice was already established and con-

³⁴ "An Act, directing what shall be a legal Settlement; and for Removal of poor Persons, and the Method of binding out poor Children" (*Acts and Laws* [1767], pp. 228-32). The Tiverton town-meeting records in 1789 contained the report of a vote ordering the town clerk to furnish the sergeant with three hundred notifications "Informing the Inhabitants of this Town of the penalty of the Law for taking in Strangers &c." This same vote provided that the town council be given authority to "execute the law upon those that Transgress" by taking strangers into their homes (MS Records, Town Meetings [1754-98], June 10, 1789 [Town Clerk's Office in Tiverton]).

tinued without special provision long after a state poor law was enacted.³⁵

ADMINISTRATION OF THE PROVISIONS

With the regulations of both the local jurisdictions and the slowly developed central statute thus outlined, it is interesting to see how the provisions were applied to the cases under consideration. As in the cases cited above in relation to the relief of the destitute, it will be seen that procedure in local administration preceded central statutory enactments. It is possible to see in these cases the form and manner in which requests were made for permission to inhabit in a chosen town, the way in which these requests were granted or refused, the use of certificates of inhabitance, the practice used in warning-out undesirable citizens, and the method of punishment inflicted upon those persons who, once sent out, returned without permission. Difficult problems of many years' duration frequently occurred in connection with cases about whose responsibility for care there had been some doubt.

REQUEST FOR PERMISSION TO DWELL IN A GIVEN TOWN

The two following petitions indicate the form of application sent to the town meeting requesting permission to dwell within the town:

To y^e Towne mett this: 27th day of Aprill 1686: my Request, is that yov would be pleased to Grant me ffree libberty to Jnhabit or reside in yo^r Towne, desireing to be obedient to yo^{rs} Ciuill orders, and not in any ways to be troublesome to y^e Towne, or Chargeable, the which in soe Doeing you will oblige
yo^r freind and servant

Joseph Washburn³⁶

and that of John Mitchell, who was of a "civil and peaceable demeanor":

To the Towne of Providence met this 27th of October 1701
ffriends,

I being a Stranger Come in amongst you, & haveing obtained some lands to make settlement upon within your Towneshipp, doe desire of you that I may have your leave to inhabit amongst you; I hope you shall alwayes find me of a

³⁵ See *East Greenwich v. Warwick*, 4 R.I. 138 (1856), for discussion of the use of certificates of inhabitance. The neighboring colonies of Connecticut (Edward Warren Capen, *The Historical Development of the Poor Law in Connecticut*, pp. 32, 71, 99, 101, 110) and New York (John Cummings, *Poor Laws of Massachusetts and New York*, pp. 78-79) included specific provisions for these certificates in their statutes.

³⁶ *Recs., Providence*, XVII, 74.

civill & peaceable demeanure; & doe also hope I shall no wayes ocation Charge to your Towne: The which request if you please to grant I shall thankfully accept, & Remaine your humble serv^t

John Mitchell³⁷

Certificates were given by a town to an inhabitant moving elsewhere, as an assurance that the town in which the person was a legal inhabitant would be responsible for him, in case such person or members of his family became chargeable.³⁸ Presentation of such certificates to the council in the town in which residence was desired enabled at least temporary residence to be gained in cases where refusal would have been certain.

Such a case is that of Mr. Williams in Scituate in 1734:

Whereas there is one William Williams lately Removed out of the Town of Providence into this Town and hath Procured from the Town Council of sd Providence a certificate in the following words,

Whereas William Williams late of Providence in the county of Providence in the colony of Rhode Island etc. hath lately Removed himself with his family and settled himself in the Town of Scituate in the County aforesaid. Therefore the Town Council of Providence aforesaid Doth by these Presents acknowledge that the sd. William Williams is an Inhabitant of our said Town of Providence and that he or his family or either of them shall be so Received and accepted as Lawful Residents of said Town at any Time when they shall come or be sent into our said Town of Providence from the Town of said Scituate.

Providence September the 9th Day Anno Dom. 1734

Signed per order

Richard Waterman
Council Clerk

As a result of the assurance thus given that the Williams family would not become a charge upon Scituate, the council voted that they be "admitted to Dwell in sd Town" until further order.³⁹

A case in which the town of Scituate gave to Warwick a certificate in which it assumed responsibility for a family which it was sending to a relative in the latter town was that of the Weavers. While in this case the plan, as made, was a temporary one, the recognition of responsibility was very definitely stated.

³⁷ *Ibid.*, p. 180.

³⁸ Two manuscript volumes of these certificates are in the City Clerk's Office in Newport.

³⁹ MS Record Town Council, Scituate, October, 1734 (Town Clerk's Office, Scituate, R.I.), pp. 14-15.

November 10, 1735

Whereas Mary the Wife Clement Weaver of this Town (whose husband the said Clement Weaver is gone away and Left her and four small Children with her in sd Town) hath Complained to this Council that she and her sd children are in a suffering Condition for want of the Convenient Necessarys of life such as food and Clothing & If they are not Relieved by this Council: and Mr. Thomas Wicker Father of the sd Mary appeared before this Council and offered that if this Council would bind all sd Children to him as apprentices he would Take sd Woman and all her children and provide for them and bring all sd children up as they ought to be brought up; Whereupon it is Voted that the sd woman and her children do Remain with the sd Thomas Wicker untill the Next Setting of this Council and that the said Clement Weaver be notified to appear at ye sd next Council if he may be found and if the sd Weaver doth not then appear and Take care of his sd Wife and Family or show other just cause to the contrary That then all the sd Children shall be bound to sd Thomas Wicker and the Council gave the sd Mary the following Certificate.

To the Honourable the Town Council of Warwick in the County of Providence etc. Greeting: Whereas Mary the wife of Clement Weaver of this Town of Scituate (whose Husband the sd Clement Weaver is gone away and left her with four small Children is about to Remove into your Township of Warwick aforesaid with her Fathers Mr. Thomas Wicker's. This may therefore certifie all whom it may concern that the sd Mary and the sd four children are proper Inhabitants of this Town and shall be Accepted and Received into sd Town at any Time when they shall Return or be sent thither—Given at a Town Council held in Scituate in sd County aforesaid this 10th day of November Anno Dom. 1735.

Signed and sealed by order of sd Council

Js. Hopkins Council Clerk⁴⁰

USE OF BONDS AS SECURITY

In April, 1731, the town council of Scituate considered the case of Samuel Tift, who resided in the town but was "not inrighted" to remain there without procuring security to "Indemnifie" the town from any charge that might accrue thereby. Two men appeared and offered the necessary bonds to insure the town from any charges "by reason or means of sd Tift and his family." The town clerk was thereupon "Impowered" to take the bonds "according to Law" and the Tift family "Admitted to Remain in the sd Town."⁴¹

Inability to produce a certificate might be sufficient excuse for ordering the removal of a family which was "likely to become chargeable." Such was the case of Gideon Round, his wife Rachael,

⁴⁰ *Ibid.*, November 10, 1735, p. 20.

⁴¹ *Ibid.*, April, 1731, p. 1.

and five children who were living without a "Legall" settlement in Scituate in 1762.

Upon the Complaint of the overseers of the poor for the Town of Scituate aforesaid unto us the Town Council of sd Town that there is one Gideon Round and his wife Rachael Round and five children Namely Patience Round, Elizabeth Round, Levina Round, Charles Round, and Joseph Martin being all of the sd Gideon Rounds Family Lately came into this Town and he not Having gained a Legall Settlement in sd Town according to the Law such cases made and provided and no Certificate being produced to us owning them to be settled Inhabitants elsewhere and that the sd Family are Now Likely to become Chargeable to sd Town and to continue so as Long as they Dwell therein: We therefore Upon Due proof made thereof do find the said place of the Lawfull Settlement of the sd Gideon Round was in the Town of Rehobath in the County of Bristol in the Province of Massachusetts Bay do Likewise upon Due Consideration Had of the premises Do adjudge the same to be True and we do Likewise adjudge that the Last place of the Lawfull Settlement of the sd Gideon Round was in the Town of Rehobath aforesaid. We therefore do hereby Require you some Two or more of his Majesty's Justice of the Peace foresaid Town of Scituate to make an order to Remove the said Gideon Round and his wife Rachael Round and the sd Patience Round, Elizabeth Round, Levina Round, Charles Round and Joseph Martin from the Town of Scituate aforesaid to the sd Town of Rehobath according to the Laws of England.⁴²

In some cases these certificates were issued "To whom it may concern," thus allowing for several moves on the part of the bearer, or at least permitting departure with destination unstated by the town granting the certificate.

Such a certificate was that granted by the selectmen of Marblehead, upon which basis the Scituate council voted that David Yaw be admitted to dwell "without molestation." This certificate read as follows:

This may Certifie whome it may concern that David Yaw was an Inhabitant of Marblehead Legally settled from whence he removed in April last past and the sd Town is by Law obliged to the sd Yaw and his Family and to be subject to the maintenance of them or any of them standing in need of the same as fully as tho the sd Yaw had not Removed out of this Town but had continued an Inhabitant here Witness our Hands at Marblehead the 15th Day of December AD 1735.⁴³

In the circumstance of a family moving into town without the desired certificate, permission to remain might be withheld until such

⁴² *Ibid.*, 1762, p. 465.

⁴³ *Ibid.*, 1735, p. 25.

was produced. Such was the case of Archibald Walker who moved from Gloucester to Scituate in 1739.

Charles Walker of sd Scituate appearing before this Council Informed them that his Father Archibald Walker and his wife and their Daughter Susannah were lately come into this Town and now lived with him the sd Charles and prays that they might be admitted to Dwell in sd Town and also produced a Certificate from the Town Council of Gloucester from whence they Removed in the following words, viz. . . .

Att a Town Council held at Gloucester by adjournment the 27th day of October AD 1739 Whereas Charles Walker of Scituate in the County of Providence & by Petition did set forth unto this Council that the Town Council of Scituate were unsass [unsatisfied] that Archibald Walker and his Family Dwelt in said Scituate and therefore prayed this Council that they would give order that this Town should received the said Archibald and his Familie again at any Time if they should become chargeable to said Town of Scituate upon which it is voted and ordered that if the sd Archibald or his Family should at any time hereafter become Chargeable to said Scituate that they the said Archibald and his Family shall if desired be Received again unto this Town as Inhabitants hereof.⁴⁴

The family was then voted-in upon the basis of the certificate.

Permission to dwell within a given town was sometimes granted with qualifications. Thus an inhabitant might be admitted for a specified length of time or upon the advancing of security to keep the town free from any charge that might arise in connection with the residence.

Thus in Providence, in 1720, Mr. Harris, a townsman, gave security for the temporary residence of Mr. Church, a tailor:

^{mr} Henry Harris of this Towne of Prouidence hath appeared before the Council this day and hath obliged him self to defray all Charges that shall or may A Rise or accrew by Reason of Daudid Church Talior: his Remaineing in this Towne and that he y^e s^d Harris will procure the s^d Church Remoued out of s^d Towne by the first day of November next and that the s^d David Church shall haue no more foot hold to Claime any Right of Previledg in s^d Towne than he had when he first Came in to it as witness my hand Henry Harris⁴⁵

Similarly, in Portsmouth, in 1675, two men gave security that a weaver and his family would not be any charge for twelve months and a day, whereupon permission was granted for a stay of that duration.⁴⁶

⁴⁴ *Ibid.*, November 5, 1739, p. 51.

⁴⁵ *Recs., Providence*, XII, 15.

⁴⁶ *Recs., Portsmouth*, p. 184.

A case involving considerable action is that of Thomas Cooper in Providence.⁴⁷ This case shows the practice of "warning-out" as applied to those persons whom a town did not consider desirable citizens.

WARNING-OUT

A report had been made to the Providence meeting in November, 1680, that a stranger was living with Jonathan Sprague without the town's approval. Both the host and the "stranger" were therefore ordered to appear at the next town meeting and explain. A week later the stranger gave to the town "a sober account vn|to such matters demanded." As a result, he was allowed to stay until the town saw cause to the contrary.⁴⁸ This "cause to the contrary" was seen on December 7, 1681, when a note to the town meeting complained that Thomas Cooper, who was in the town upon sufferance, was making waste of the woods by running tar, and asked that speedy care be taken to prevent further misbehavior. Following out this suggestion, the town voted that with "just reason" the said Cooper might not stay longer than December 14, if it were possible to give him three days' warning before that time. If, however, the warning could not be given, he should be allowed three days after the appointed time; then if he did not go of his own accord, he should be removed by the constable—"sent by the constable to y^e next constable of y^e next Towne to be Conveied to y^e place from whence he Came and that by a warrant. . . ."⁴⁹

On January 2 a note to the town meeting indicated that Cooper had not gone according to the order, and asked that the transaction be put through as ordered, and that the town consider whether two or three men might not ask the magistrate for a warrant, and, if refused, obtain one from the governor.⁵⁰ The town voted to carry out this plan.⁵¹ However, in spite of this action, the record of April 28 shows a complaint concerning Mr. Cooper's behavior, "some mis-carriage" of his since he came within that town's jurisdiction. He was accordingly ordered to appear at the next town meeting and explain.⁵²

⁴⁷ *Recs., Providence*, VIII, 86-87. For case record, see below, p. 297.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*, p. 102.

⁵⁰ *Ibid.*, XV, 218.

⁵¹ *Ibid.*, VIII, 106.

⁵² *Ibid.*, p. 96; *ibid.*, XV, 229.

Whether this much-warned man went out of the town and returned is not clear, but, at any rate, in July, 1683, appear two interesting records. One is the warning of one Abigall Sibley, who had come into town bringing a young child, both of whom were likely to become chargeable.⁵³ The same day a notice was issued to forbid the marriage of this Abigall Sibley and Thomas Cooper, which had been published on the seventh of the month. The reasons for this notice were stated as follows:

And whereas we y^e towne Councill of Providence are betrusted with y^e affairs of y^e said towne as to persons which may be in any likelihood chargeable unto y^e towne, or be in any wayes Reproachfull thereunto. And whereas y^e said Tho: Cooper hath manifested himselfe a person infamous: in that he hath forsaken a sober woman who is his wife, leaveing of her to what may befall her, as to y^e Care of friends or towne; himselfe wandring the Countrey setting of his mind upon others: which in case he should be joyned in marriage with y^e said woman he may as well leave her & depart, leaving y^e said woman & child w^{ch}: she hath brought with her as charge to y^e towne. Wee the said Councill upon y^e aforesaid Groundes: & for that the said Cooper appears no other but already to be in wedlock Doe, by ye trust to us Comitted forbid marriage upon y^e abovesaid publication.⁵⁴

The effect of the town council seems not to have been that expected, for in December a warrant was ordered sent to the aforesaid Abigall commanding her to appear before the council in January.⁵⁵ At the January meeting it was stated that the woman and child were living with Thomas Cooper, in spite of her having been ordered out of town. However, because of the winter season they were given until the first Monday in March to be out, or they should be forcibly removed. Meanwhile, Abigall was forbidden to live with Thomas Cooper "dureing y^e aforesaid time."⁵⁶

REFUSAL FOR PERMISSION TO SETTLE

Definite refusal for permission to settle in a given town was often given when the town was in doubt as to the seeker's ability to support himself, when no security could be obtained, or when no certificate of inhabitance elsewhere was presented.

As early as 1657, in Warwick, the town records reported one Mary

⁵³ *Ibid.*, VI, 110.

⁵⁵ *Ibid.*, p. 113.

⁵⁴ *Ibid.*, pp. 110 and 111.

⁵⁶ *Ibid.*, p. 114.

Percie, a widow, and child, an inhabitant of Providence, as being there "destitute of any settled being." No one was willing to go security for them and, therefore, the constable was to be ordered to return her to Providence if she did not go of her own accord within a fortnight.⁵⁷

Similar is the case of one John Daily, resident of Mendon, who was attempting to settle in Providence in 1685. The town did not believe that he could support himself and his family on the small amount of land he was obtaining, therefore he would be the responsibility of Mendon in another colony. Thus the town reasoned:

The towne taking into Consideration that the said John Daily is an inhabitant of another towne & Colloney: & not seeing how he cann here settle himselfe & familie but that he may be chargeable to y^e Towne, which in Case such be his Condition, it belongs to the town of Mendon to take care for his supply The, towne doe therefore declare that they are not free that the said John Daily shall bring himselfe & familie within our towneshipp to reside or make settlement but doe fully declare themselves to y^e Contrarey.⁵⁸

An interesting indication of friendly administration is that shown by the town meeting in Portsmouth in 1666, when the town voted that two neighbors should go to one of their townsmen and inform him of the law made in 1654⁵⁹ forbidding the entertaining of strangers without permission. These neighbors were also to warn him not to keep the stranger he was entertaining longer than the month period and to bring his answer to the magistrates "forth with."⁶⁰

SPECIAL PERMISSION TO ENTERTAIN STRANGERS

Real neighborliness is shown in the permission given to the inhabitants of Portsmouth in 1666, when some misfortune had caused several persons to be stranded on the island, to entertain these unfortunate persons, thus:

Ordered that where as by the providence of god there are seuerall of our Contrymen are Arriued one our Island, and Exposed to sume hardships for y^e present, There fore it is allowable for any inhabitant with in this towne to Entertaine the affore mentioned pearsons in his family, as he shall See good, Any order

⁵⁷ *Recs.*, *Warwick*, p. 106.

⁵⁸ *Recs.*, *Providence*, VIII, 149. See also *ibid.*, XI, 13-14.

⁵⁹ See above, p. 45.

⁶⁰ *Recs.*, *Portsmouth*, p. 135.

to the Contrary notwithstanding Relatinge to this present Cace and present occation only.⁶¹

Individuals and families were sometimes given permission to remain in town after a warning had been given, because of the condition of the weather. Thus the town was relieved of responsibility in case the necessity for assistance arose. This was the situation in the case of William Garrett, who had brought his family from Newport to Providence in 1691, with the intention of settling in the latter town. However, "divers of the inhabittance" of Providence were doubtful of his ability to support himself and family, and therefore ordered that he should forthwith remove himself out of the town. This was in December, and the council further provided that inasmuch as the "season of the yeare [was] hard" and transportation might be dangerous, the family might remain until March 15.⁶²

Jamestown could not lose a chance to give a little advice to John Alden when he was called before the council in 1704-5 to tell why he was in the town without its permission and "likewise why he didn't Life [live] with his wife and provide for her as an honest man ought to doe." Mr. Alden could not satisfactorily explain his conduct, wherefore the council thought him "no fitt person" to inhabit there, but that he should return to his wife in "Kings Towne." He was therefore warned to depart within seven days.⁶³

ORDERS OF REMOVAL

The orders which were issued in accordance with the decision of the town councils to send an individual or a family out of town were often a detailed record of the action taken in council meeting. These contained a summary of the case and the facts upon which were based the decision to send away the person or persons likely to become chargeable.⁶⁴ This detail was probably included for the information of the overseers of the poor in the town to which the persons were conveyed, as "authentick" copies of these warrants

⁶¹ *Ibid.*, p. 134. Similar instance is found in Portsmouth (see *ibid.*, p. 177).

⁶² *Recs.*, Providence, X, 14. Similar case in *Recs.*, Warwick, p. 181.

⁶³ Jamestown Records, *Narragansett Historical Register*, IV, No. 1 (July, 1885), 149-50.

⁶⁴ See below, Appendix, pp. 271-72, 276-77, for copies of such orders.

were delivered by the sergeants along with the persons whose chargeability was feared.

PENALTY FOR REFUSAL TO COMPLY WITH ORDERS

One of the interesting early records containing an account of whipping a person who had returned without permission after removal from a town is that of John Gurney. On February 4, 1695/6 the Providence council minutes report that John Gurney, who "belongs not unto our Towne," was living there with no means of support ("not to maintaine him or supply his wants"). He was therefore to be warned out and, if he did not go, to suffer the penalties. Thus it was stated:

. . . whereas he is as others are liable to fall into a Condition of Siknes, lamenes, or otherwise as wants may accrew, & the sd person not belonging to our Towne;

The Councill doe Consider the trust in them Reposed, doe by these presents order that the said John Gurney doe betweene this day & the 14th day of this instant depart out of y^e jurisdiction of this Towne other wise to be delt withall according as y^e law in such Cases Requires, & that one of y^e Constables by warrant from a Majestrate doe warne him thereunto:⁶⁵

However, the minutes of the meeting of March 31 indicate his return and the consequent order that he be apprehended and pay a fine of £5 or be whipped and then again be removed. This is best expressed in the actual wording of the minutes:

Whereas the Councill some time since past an order Concerning the remoovall of one John Gurney | a person vagrant | a stranger & hath been by y^e Constable Carried & set out of our Towne but as wee doe understand the sd Gurney is againe Returned into our Towne

There fore y^e Councill doe order that the said Gurney be de|a|lt withall & proceeded against according as the law Expreseth in such cases; & the Councill doe detirmine that the said John Gurney shall by warrant from a majestrate, be apprehended & shall pay 5^{lb} in money, or Else be Whipt upon his Naked Body with 12 stripes & be by the Constable Emediatly after y^e Execution | or payment | Removed out of y^e Towne⁶⁶

⁶⁵ *Recs., Providence, X*, 34-35. See below, p. 309, Ffield case.

⁶⁶ *Ibid.*, pp. 37-38. An interesting situation is found in relation to this case, and that of the Field children (who were apprenticed) and their mother; see below, pp. 80-81. It appears from the records that this John Gurney is the man whom the widow Field married, and one can read into the lines of the town-meeting minutes the concern of the relatives and the difficulty of the inhabitants in dealing with the whole case. Upon the

Another case of punishment inflicted because of unpermitted return is that in East Greenwich, over sixty years later. Here a man from North Kingston, with seven small children, was ordered to return because his ill conduct and bad behavior would probably cause him to become chargeable. He later returned in "contempt of authority" and was therefore ordered to pay 40s. in addition to the cost of prosecution, which amounted to £7 6s. 4d. He was, furthermore, ordered to be kept in custody of the officers until all costs were paid, and "thenceforth leave the town."⁶⁷

Some further indications of the real problems arising in connection with these cases of destitution in relation to the settlement provisions are shown in the extremely interesting case of Thomas Waters, a tinker, and Anne Waters, his wife, with which the town of Providence was concerned for over twenty years.

The town meeting of December 15, 1680, records the receipt of a letter from Mr. Waters asking permission to remain there during the town's approbation, promising good behavior and expressing a desire not to put the town to any charge. Thus:

my request to y^e Towne is: that they woold Grant me libberty to residede in y^e Towne Dureing the Townes Approbation, behaveing myselfe as a Civell man ought to doe, Desireing not to putt y^e Towne to any Charge by my resideing here; and for what y^e Towne shall see Cause further to Enquire of me, I shall see I hope to give them a true and sober Answer there unto, Yo^r freind and Servant
Tho: Waters.⁶⁸

In March, 1685/6, the town records show the return of Mr. Waters and his refusal to give security when requested to do so. The town thereupon ordered the town council to proceed according to law to remove the family.⁶⁹

death of Mrs. Field-Gurney, this man, who apparently did not stay out of town, appeared and relinquished any claim to the estate as one of the boys was given credit for having saved and husbanded the property (see *ibid.*, VII, 166-68).

The complexities of the problems in this case would have puzzled a modern social service worker. It is, therefore, no surprise that much deliberation was required upon the part of the Providence council and town meetings in the seventeenth century.

⁶⁷ D. H. Greene, *History of the Town of East Greenwich and Adjacent Territory from 1677 to 1877*, p. 45.

⁶⁸ *Recs.*, Providence, XV, 217-18. For case record, see below, p. 300.

⁶⁹ *Ibid.*, VI, 151-52.

A week later the town council recorded this warning with the reasons for giving it. This warning stated that the town had refused the previous request for habitation but that Waters had come anyhow, bringing a woman. As these persons were both of bad character, the town feared their chargeability if permitted to remain. Investigation had shown, moreover, that a year's residence in Greenwich had given them settlement there. Inasmuch as Mr. Waters had refused to give security to the town, it was voted to warn him, together with the wife and child, to leave town before sunset on a specified date. This warning is an interesting one for form as well as content and worth quoting:

At a meeteing of y^e Towne Councill March y^e 22nd: 1685/6.

Whereas there is a person one Thomas Waters by Name who some time since made request to o^r towne for theire admittance that he might make his Residence amongst them in our towne Either by Buyeing or hireing, but y^e towne Refuses the same & gave no admittance to y^e said Waters; yet not withstanding y^e said Waters hath presumed to Come into our towne, & with him hath brought a woman whome he saith is his wife; And as he hath manifested intendeth in o^r said towne to make his abode; And for as Much as y^e said Thom|as| Waters doth appeare to be a person of Evill fame, & his said wife also of No better Report, & they being likely to be troublesome, & may be Chargeable to y^e Towne; The towne being therefore desirous for theire Remooveall & haveing Called upon y^e Councill for y^e same; The Councill haveing Considered y^e matter & find that he hath made his abode in y^e towne of Greenewitch for more than a yeares space, by which he may there by Law be counted an Jnhabitant; And where as y^e said Thomas Waters tendereth not bond for securitye to y^e towne to free them from what Charge through his meanes may be brought upon the said towne, although y^e towne Required it of him but he refused; Therefore according as the Law of our Collony doth declare the Councill doe see Cause to warne y^e sayd Thomas Waters that he doe remooove himselfe & said wife & Child & to depart out of y^e bounds & libertyes of our said towne before the 14th day of Aprill next Ensueing at sun sett. |

The abovesaid Order was this day Read in y^e audience of Thomas Waters;⁷⁰

The next activity recorded was that of three letters received from Mr. Waters from a prison in Boston. One of these was directed to Providence townsmen asking that care be taken of household goods and land lest Mrs. Waters should dispose of them. Fear was also expressed that she would desert the child.

⁷⁰ *Ibid.*, XVII, 73.

The second letter was addressed to a neighbor's family, saying that he should probably never see them again, but asking that they be kind to his wife, for she is a "por disstressed Cratvr [creature] and haf in no frindes." He further asks that if his horse or any offspring ("ofspring") be found, they be sold for his wife's good, and that a debt which the neighbor owes him be paid to his wife.

The third letter is addressed to his wife and shows great repentance for the sins of the past ("thos Grat and wicked sines wee formorli haf Cvmmitted"). He, as transportation is to be inflicted upon him, promised to send for her as soon as possible.⁷¹

A few months later Anne Waters was found back in Providence where she had been sent by Boston. However, the town refused to accept her, and accordingly ordered a representative, who was a justice of the peace, to go to Boston to settle the question of responsibility. The town was quite sure that it would not permit itself to be imposed upon, and gave orders to its emissary to attempt "Orderly settling" of matters concerning the "sayd woman & Child." However, he was "also to treat any person or persons who shall any wayes Endeavour to impose them upon Our towne, & to Endeavour to period all matters as to y^e premises between our towne & any Other theire opositts . . . if so it may be;"⁷²

It is obvious that Boston won, as shortly after this, Anne Waters was brought before the justice of the peace in Providence and examined as to her residence. In reply to the questioning, she said that she had been brought from England as a servant and had served her time for four and one-half years in Boston, where she had lived, except for three weeks in Greenwich, until she came to Providence. She had finished her period of service nine or ten years ago.⁷³

A few months later a letter was received in Providence from Governor Andros, authorizing the sale of property of Mr. Waters, valued at about £9, the proceeds of which were to be used for the wife and child. Inasmuch as the death penalty for felony, which had been sentenced upon Mr. Waters, had been changed to life-transportation, Governor Andros gave permission to use the money in sending Mrs. Waters to her husband if she wished to go.⁷⁴

⁷¹ *Ibid.*, pp. 87-89.

⁷³ *Ibid.*, XVII, 91-92.

⁷² *Ibid.*, VIII, 172.

⁷⁴ *Ibid.*, p. 103.

The next month the records of the town meeting report that Anne Waters and her child were in a very "poore Condition" and were likely to perish if some help were not given to them. A committee was appointed to apprentice the child and to levy a rate upon the inhabitants to meet the expenses incurred. A later report showed the making of this rate "for takeing & bringing up y^e Child of Thomas Waters"—the tinker's child.⁷⁵

Several years elapsed before any other important record⁷⁶ is found concerning this case, when the minutes of the town meeting again report Anne Waters to be destitute. She had fallen into such a condition that the town was "put upon it to take the Care for her livelyhood." An agreement was made with a townsman to take her into his service for a year, in return for which he should provide her with meat, drink, and clothing; if she should deserve more the master promised to "allow it."⁷⁷

Six years later Anne Waters again appeared on the records. In the first report, that of a council meeting, it was indicated that she had fallen into want and was likely to become a charge upon the town. Therefore, money which was received for the sale of her husband's property and which had been given to her from time to time as needed should be turned over to her.⁷⁸ A few days later a town meeting was called, one purpose of which was to take care of Anne Waters because of the great complaint concerning her.⁷⁹ A succeeding record shows that she was put into the custody of a townsman where she remained for "Considerable time." Her illness and death from a "distemper" in 1703/4 was thus reported: ". . . weakness growing on upon s^d woman by Reason of a distemper which had long time accompanied her the which brought her to her End & shee died."

The townsman who had cared for her brought an account to the town meeting of her remaining property, and asked for the balance of his pay for her care, "his paines & trouble the which he had been at Concerning the sd woman." The town decided to give him all her apparel and "other things what so ever w^{ch} were belonging" to

⁷⁵ *Ibid.*, p. 106.

⁷⁶ Sale of property mentioned in *ibid.*, X, 53.

⁷⁷ *Ibid.*, XI, 24.

⁷⁸ *Ibid.*, X, 73.

⁷⁹ *Ibid.*, XVII, 185.

her. He was satisfied with this for her burial expenses as well, "in her life, after her de|a|th & at her buriall."⁸⁰

The circumstances of residence and of several moves, of apprenticeships served, of marriages, and of other pertinent qualifications sometimes made these cases very intricate and difficult of final decision.⁸¹

APPEALS FROM ORDER OF TOWN COUNCILS

Frequent disputes arose over the questions of responsibility involved in these cases. Appeals were carried to the General Assembly for the granting of new trials, or even for the final decision of cases. An interesting example of a petition to the general assembly to grant permission for one Norman MacLeod to remain in East Greenwich was drawn up by this MacLeod himself rather than by the overseers of the poor—or councilmen as was usually the case. Mr. MacLeod seemed a very articulate but transient person as his petition is read.

To the Honorable the general Assembly of His Majesties Colony of Rhode Island to be held at South Kingston within and for said Colony on last Wednesday of October A.D. 1733

The Petition of Norman MacLeod humbly sheweth that near Three Years ago your Petitioner came from Great Britan into New England in order to be where he could meet with a Convenient Place to settle in and advance his Circumstances, And after your Petitioner had passed away about two years sometime in one place and some Time in another without fixing upon any place agreeable to his Mind to settle in, he at Length came into this Colony and set himself down in the Town of East Grenwich where he carried on his Busyness successfully and with a Prospect of advancing his Fortune for about the Space of Eleven Months when the Town Council of East Grinwich ordered your Petitioner to depart said Town, which your Petitioner finding would be of fatal consequences to him, endeavored to satisfye said Councell in order to keep his Settlement, and have the Advantage of his Busyness, And in Order thereto obtained amongst other things a Letter from His Honor the Governor and Deputy Governor that the rigorous proceedings of said Town Councell might be stopped, which was so far from having its desired effect, that a warrant was thereupon issued out against your Petitioner in Order to punish him Corporally by whipping in Case he was found in said Town of East Grenwich. So that your petitioner has been treated like a notorious malefactor and besides put by his Busyness, without

⁸⁰ *Ibid.*, XI, 83-84.

⁸¹ See below, Appendix, pp. 272-75, for a complete case, including petition, deposition of witnesses, and decision of the general assembly of 1768.

having so much as Time to take Care of his Substance, which he conceives is contrary to the Common Right of a Subject. For inasmuch as your Petitioner has ever demeaned himself orderly and inoffensively during the whole Course of his Life he conceives he has good Right upon his coming from Great Brittain to settle in any part of New England, it being a Priviledge and reserved to every good Subject, And inasmuch as East Grinwich was the Place your Petitioner settled in by Vertue of said Priviledge, the disturbing him whilst peacable and Quiet was an Infringement upon said Liberty and Priviledge, Therefore your Petitioner humbly prays that the Honorable Assembly would rectifye him in the Circumstances by allowing him the Liberty and Priviledge of returning to said East Grinwich to take Care of his Substance and enjoy those Priviledges he conceives he has a Right in common with the other good Subjects by taking of the Force of these arbitrary Proceedings which have carryed on against your petitioner which will cause him ever to pray etc.

Norman MacLeod⁸²

Nov^r 3rd 1733

According to the vote of both houses, he was given the right of "going into the sd Town to take care of his 'affairs & busyness' without molestation behaving himself."

The case of Mary Marsh ("March") was appealed from Providence and Greenwich to the general assembly in 1718 for a decision as to the place to which she was chargeable. This "single woman," who had been conveyed by the constable from Providence to East Greenwich, was returned by the constable of the latter place. This action the council adjudged "to be Eregulior [irregular] and Contrary to Law," and voted to return her by warrant to a justice or overseer of the poor of East Greenwich, where she should be relieved as an inhabitant.⁸³ An appeal was made by both towns to the general assembly, the Providence council voting to employ an attorney "to jimpleade" the case if necessary.⁸⁴ The complaint of East Greenwich stated that the said Mary Marsh was an inhabitant of Providence but had been brought to the former place contrary to law. As a result of this procedure, great charge had fallen upon the town and more was likely to come.

The general assembly, upon hearing the evidence, decided that Mary Marsh was a resident of Providence and should be supported

⁸² MS Petitions to R.I. Gen. Assembly, 1728-33 (Archives, State House, Providence, R.I.), II, 137.

⁸³ *Recs., Providence*, XII, 33.

⁸⁴ *Ibid.*, p. 35; *ibid.*, XIII, 10-11.

there. Accordingly, an order was issued to East Greenwich to return her, and to Providence to receive and keep her.⁸⁵ She thus became a charge upon the latter town for a period of several years. The treasurer's report for 1720 listed items for care during seven months' illness, for doctor's services, and for clothing to the value of more than £21. As late as 1726 the town minutes show money voted for her care.⁸⁶

WARNINGS TO GROUPS OF PERSONS

In addition to the attention given to these separate cases, some interesting examples of what might be called "group" warnings are found. One instance of this is contained in the records of the Providence council in 1732. Here appears a list of names of six "sundry persons" who, the council thought, should give bond or be warned out of town. Discretion was to be used by the justices in moving these persons.⁸⁷ A similar instance had occurred in 1720, when information had been given to the council that several foreigners had lately come into town in a disorderly manner without permission, and that they were likely to become chargeable. In order that warning might be given to this group without delay, the council saw fit to adjourn "and in the meane time that there be notificacion Giuen that such persons may appeare before the Council att there next siting to Giue an account of there sojorning in this Towne."⁸⁸

REMOVAL OF PERSONS OF EVIL FAME

It has been indicated in the legislation cited, as well as in the illustrative cases given, that the towns were as anxious to free themselves from persons of "Evill fame" as from those who might become chargeable because of destitution.

John Andrews was such a person of "Evill fame" who was reported to have escaped from authority in another jurisdiction. He was warned to appear before the Providence council in June, but failed to do so, and thus prevented this assembly from making "Enquirey of him as Concerning his presumption in Resideing in our towne without the townes Order." He had, moreover, "manifested his Con-

⁸⁵ *R.I. Col. Recs.*, IV, 228-29.

⁸⁶ See Appendix, p. 266, also *Recs.*, *Providence*, XIII, 34; *ibid.*, p. 25.

⁸⁷ *Recs.*, *Providence*, XII, 92.

⁸⁸ *Ibid.*, p. 27.

tempt" by not appearing when warned by the magistrate. The council, therefore, having "Considered the matters Conserving him," emphatically ordered him to depart, "forthwith, Or Emediately Remoove himselfe & depart this Towne & Every & Each part of the same & y^e bounds thereof & not to abide or make Residence therein." If these orders were not carried out, the said Andrews was to suffer the penalties imposed on strangers coming into "Towne without admittance."⁸⁹ However, Andrews had not departed in August, and, while the council ordered his apprehension, a bond of £5 might be accepted for his good behavior. If this was not deposited, he was to receive "Corporall punishment to y^e full number of stripes as y^e law Expresseth," then to be removed out of town immediately. Furthermore, this same punishment was to be inflicted as often as he should return to the town.⁹⁰

TOWNS ATTEMPT TO AVOID RESPONSIBILITY FOR BASTARDY CASES

A type of case which received a great deal of attention, both because of potential chargeability and because of the type of character of the individual, were the so-called "bastardy" cases. These were dealt with by two governmental agencies or jurisdictions. In the first place, the towns were desirous of ridding themselves of the offending person or persons while the court ordered the payment of the penalty for adultery or fornication. Thus Mary Cory, of Portsmouth, was ordered in 1688, by the court of trials, to pay 20s. as a penalty for having a child born out of wedlock. In addition, she was ordered to bear the town free from maintaining and bringing up the child.⁹¹

The bastardy cases which fall within the outlines of this study are of special interest because of the detailed accounts of the procedure. It should be noted that there were no specific regulations in Rhode Island for the treatment of bastardy until 1749, when it was provided that the statutes of James and Elizabeth and all other statutes that concern bastardy, so far as applicable to the constitution of the

⁸⁹ *Recs., Providence*, X, 27.

⁹⁰ *Ibid.*, p. 29. Similar cases are found in *ibid.*, pp. 12, 13; *ibid.*, VI, 45-46, 97.

⁹¹ *R.I. Col. Recs.*, III, 244. It is not intended to discuss here the colony's punishment, which is not a matter of poor law provision. Numerous cases of this procedure are found in *ibid.* and in *R.I. Court Records*.

colony, should be enforced.⁹² The settlement act the previous year had defined the place of settlement to be the birthplace. However, a statement was made in Providence in 1692/3 that the law provided that the town or parish in which the woman was "begotten with child [should] be at y^e charge of her maintenance & y^e childs."⁹³ In 1752, provision was made for obtaining support from the putative father, the administering officers to be the overseers of the poor. This act required the father to furnish sufficient security to keep the town indemnified as well as to support the child as long as the child was chargeable to a given town.⁹⁴

In 1769 two further acts were passed regulating the manner of procedure in order to control, better, the assurance of support from the putative father, both within and without the county in which took place the examination of the mother or prospective mother.⁹⁵ Nicholls calls the statute of 18 Elizabeth, c. 3 (1576), the commencement and basis of the English bastardy law. This provided for the punishment of the mother and the putative father as well as charging the latter with the financial responsibility.⁹⁶ The law of 6 George II, c. 31, strengthened this while 21 James I, c. 27, set a penalty for the murder of her bastard child by a woman. It will be obvious from the dates of the cases used in this study that here again procedure was based upon English precedent before the enactment of legislation. It should be pointed out, too, that in 1657 definite penalties for fornication were established,⁹⁷ while the statute of Henry IV had been adopted in 1647.⁹⁸

Sarah Neale was warned out of Providence in November, 1680, on the basis of being a non-resident, having no consent of the town to remain, and also because of her slandering the town—"one given to Slander & vilifie our Towne & the persons therein." She was given

⁹² *Acts and Laws, 1745-1752*, p. 71.

⁹³ *Recs., Providence*, X, 6.

⁹⁴ *Acts and Laws, 1745-1752*, pp. 107-9.

⁹⁵ *Acts and Laws of the English Colony of Rhode Island and Providence Plantations* (hereafter referred to as *Acts and Laws*) (1772), pp. 12, 18.

⁹⁶ *A History of the English Poor Law*, I, 165-66.

⁹⁷ *R.I. Col. Recs.*, I, 355.

⁹⁸ *Ibid.*, p. 173.

six days at "y^e vttmost" otherwise she would be sent out by constable "And of this you may Assure yo^rselfe."⁹⁹ However, Roger Williams and two other townsmen agreed to go bonds to the extent of £13 6s. 4d. to "bare ye sd Towne harmless & free from any Charge" for Sarah Neale or the child that was expected.¹⁰⁰ This was done in spite of the fact that a witness, who was requested to appear before the town meeting, testified to her "dishonering" the town and also the citizen in whose home the remarks were made.¹⁰¹ The security provided was to extend over a period of about four months. If she and the child failed to depart by that time, further action would be taken.¹⁰² Apparently the security was justified by her future conduct as the town meeting, about one year later, voted to return the bonds to the men who had advanced them.¹⁰³

It was not unusual for bond to be given to the town to secure these single women against becoming chargeable to the town. In case no bond was obtained, the usual procedure for warning-out and removal was followed.

In 1692/3, Mary Clarke, a stranger, was examined at a meeting of the council in regard to her coming into town and "who is the father of y^e child she now Goeth with." She stated the name of the father of the child, who was at the time in the West Indies, that it had been begotten at Newport, and that she had been brought to Providence by a hatter from Bristol. Some question arose as to whether this Mary Clarke had ever been married, it being reported that she had so said. Upon being confronted with this, "shee then said that shee owned shee did so say." The next day two townsmen appeared and gave £100 bond to keep the town indemnified of any charges in connection with this woman.¹⁰⁴

While the following case did not include a child born out of wedlock, the procedure to keep the town free from chargeability for a

⁹⁹ *Recs., Providence*, VIII, 85.

¹⁰⁰ *Ibid.*, pp. 87-88.

¹⁰¹ *Ibid.*, XV, 215-16.

¹⁰² *Ibid.*, VIII, 88.

¹⁰³ *Ibid.*, pp. 122-23.

¹⁰⁴ *Ibid.*, X, 2-3. See also cases of Elizabeth Colwell (*ibid.*, pp. 4, 5, 6, 7), Sarah Midlecutt (*ibid.*, pp. 3, 4, 6, 8, 9, 10), Rebekah Ballard (*ibid.*, p. 5), and Johanna Harrod (Harud) (*ibid.*, III, 6, 36).

child about to be born was the same. The details of the provisions for removal are particularly well shown here. In February, 1694/5 the Providence council was notified that a pregnant woman had been brought into town and left at the house of a townsman. However, the weather was too bad for removal, so action was postponed until a later meeting. At this later date Hannah Hayman was brought before the council for examination as to her residence. She stated that her settlement ("being") was at Boston, but that her husband had left this country in July. En route to Providence, she had come from Boston to Dorchester, thence to Dedham, from there to Renton and then made but one other stop before coming on to Providence, paying 2s. to be brought on into the city from her last stopping-place. She said she had been told, upon asking, that she might remain at the house of the family with whom she was lodged. Upon obtaining this information, the town ordered her removal to Boston by the constable. Furthermore, it was ordered that a letter be sent to the first justice of the province of Massachusetts in which her last stop had been made. This letter gave an account of this woman's arrival in town and of her residence in Boston and cited the "king's lawes" requirement that all be cared for. The council had inquired into laws of Massachusetts, the province to which she belonged, and found the requirements for "matters of this Nature" and so attempted to carry them out by sending her from constable to constable until she arrived at Boston. However, in order not to be accused of assuming authority in another province, the Providence council took no responsibility further than the first justice in the territory into which she was sent. Nevertheless, the letter left no doubt as to what action Providence expected. Thus it reads:

Providence the 18th of february 1694/5

Sir

We are sorrey it so falles out that we are put upon it to trouble you with a matter of this Nature: but so it is, There came a woman into o^r Towne y^e 8th instant at night great with Child out of yo^r Province from Boston & was brought in & left at a house in our TowneShip by one of yo^r Province Joseph Cowell by name it being y^e Night before the Storme; As soone as Could be the authority tooke notice of her & have had her in Examination, Shee gives us this account that her name is Hannah Hayman, & her husbands name is John Hayman, &

that her husband went to sea in July last & hath not been in this Countrey since;

She saith shee hath a hired house in Boston & that shee came from Boston to Dorchester, & from Dorchester to Dedham, & from Dedham to Renton, & from Renton to the house of David Whipple, & from thence to Providence, We find that the King by his lawes takes care of all of his subjects, & Requires all in authority so to doe;

She being one of y^e inhabitants of yo^r Province, We haveing inquired into y^e lawes Concerning matters of this Nature, it Directs to the Care of a justice of Peace, We are willing for our owne securitytie, & for y^e safty of the Woman to take the way as the law directs that so shee may be sent from Constable to Constable to the place of her abode, & yo^rselfe being the next justice to us, that is in yo^r Province, we have ordred our Constable, in oder to her Removeall to the place of her aboad to leave her with you, for shee appears to be a person vagarent; And her Condition is such that it Requires her to be under the Care & Custody of authority;

If we should have directed her to one of the Constables within yo^r Jurisdiction to be sent from Constable to Constable to y^e place of her abode its likely it would be Concluded that we had asumed Power in yo^r Province & so yo^r Constables have disobeyed;

But we have taken the Rules of law to Convey the sd woman to yo^rselfe who have power to Comand Every of yo^r Constables that so the woman may be carefully Conveid to the place of her being & Care to be taken of her by those unto whom it may & doth belong,

Sir, we hope it will not be ill taken, its what is Required of us & what the law directs unto

Sir yo^r ffrriends, & Neighbours to serve you
the Towne Councill of Providence

Tho: Olney Towne Clarke

To Nicolas Peck Esquire

One of their Majestys justices of y^e peace
in the Province of Massachusetts¹⁰⁵

It has thus been seen how, from the beginning, the individual towns made special provision, carefully administered, for protecting themselves from unwanted residents. Only by permission and upon the presentation of proper qualifications might a person dwell in the town of his choice. By ownership of property of designated value, by setting up a trade for which there was recognized need, by presentation of a bond or security, or by bringing a certificate from a

¹⁰⁵ *Ibid.*, X, 21-24.

former place of residence, might a person show his suitability to be received, temporarily or permanently, into a given town.

Not only, moreover, was responsibility placed upon the town government, and upon the individual wishing to dwell in a certain town, but also, at an early date, penalties were prescribed designed to prevent both transportation companies and townsmen from aiding or abetting the settlement of undesirable or unapproved-of citizens.

It was upon these precedents that the settlement law was finally enacted by the colonial assembly and, being carried over into modern times, formed the basic principles of the strict requirements for legal residence in Rhode Island.

CHAPTER IV

THE DEPENDENT CHILD, THE SICK, AND THE INSANE

While no special provision was made by the early colonists for the groups now recognized as needing specialized services, it is interesting to note how those who administered the early poor law attempted to solve some of their problems.

The application of the apprenticeship law to the care of orphaned or abandoned children gives an interesting picture of early "child welfare." Lack of understanding of the fundamental differences in the needs of the sick, of the insane, and of the merely destitute is indicated by the comparative uniformity of care given these groups. Care and "cure" for each were provided by the early townsmen in their homes, although certain aspects of care for the insane necessitated considerable planning in town council or town meeting.

One health problem on which it is possible to observe the focusing of serious attention on the part of the town, as well as the colonial assembly, was that of the smallpox. Efforts toward prevention led to the establishment of hospitals as well as to the making of rules upon whose disobedience heavy penalties were attached.

APPRENTICESHIP A PLAN FOR RELIEF OF THE DESTITUTE

It is not proposed to discuss the practices of apprenticeship or indenture except in so far as they were used as a means for the relief of the destitute, and, more especially, the care of children. Although, as previously indicated, the earliest statutes in the colony relating to the relief of the poor implied the English precedent of providing employment as a means of care, the actual assignment of the duties of apprenticeship and indenture to the overseers of the poor was comparatively late.¹ The general assembly of 1647 stated that any-

¹ The first reference to the care of the poor, made at the first assembly in 1647, included the provision that each town should employ the able and should appoint an overseer to carry out the provisions of the statute. See above, p. 8.

one taking an apprentice (or a servant) for a specified time must make a record of the terms of the agreement in the recorder's or the town clerk's book, or the agreement would not be binding.²

The assembly of 1662 made more specific provisions for the employment or putting out to service of the young and able-bodied who might become a charge upon a given town. There it was stated that each town should "Employ or put out to Service all such Young and Able Persons as are not of sufficient Estates to maintain themselves, or which through Idleness may be likely to become a charge or damage to such Town."

Further provisions of this statute included the annual election of overseers for the "effectual performing" of the duties or regulations involved.³

In 1741 the duty of binding out poor children who were likely to become chargeable to the town in which they lived was given to the individual town councils.⁴ This act was seemingly passed in response to the need expressed in the following petition from South Kingston:

To the Hon^{ble} the Gov & Assembly to be holden by adjournment at Providence in the County of Providence within and for the Colony of Rhode Island on the first Wednesday in April AD 1741⁵

The Petition of sundry of the Freemen of South Kingstown in the County of King's County, etc.

Humbly Sheweth That whereas the care of the Poor Who are Inhabitants of this Colony is in some measure under the Power and care of each respective Town Council in sd Colony And whereas no power is given by any Law of this Colony to any Town Council to bind out to Apprenticeship Poor Children who are become Chargeable to the Town wherein they live. And whereas by the Laws of England, The Church Wardens, and Overseers of the Poor, by the Assent of two Justices, have power to bind out such Poor Children which power

² *Records of the Colony of Rhode Island and Providence Plantations in New England* (hereafter referred to as *R.I. Col. Recs.*), I, 177. In 1654 it was provided that any man running away from his master should be sent back upon proof of "right to him," at the master's expense, by the town officers (*ibid.*, p. 274).

³ *The Charter and the Acts and Laws of His Majesties Colony of Rhode Island and Providence Plantations in America* (1719) (hereafter referred to as *Acts and Laws*), p. 10. See above, p. 9.

⁴ *Ibid.* (1745), p. 236.

⁵ MS Petitions to the Rhode Island General Assembly (bound), 1739-42 (Archives, State House, Providence), IV, 87.

if granted to each Town Council in this Colony may prevent the vast charge which daily arises by such Children in sd Colony—

Y^r petitioners therefore, for the aforesd Reasons, and several others which may be offered upon a proper hearing, humbly pray yr Hon^{rs} to take the same into yr mature consideration, And pass an Act, That each Town Council in this Colony may have sd power, And yr petitioners as in Duty Bound shall ever pray etc.

South Kingstown

March ye 28th AD 1741

[Signed by 13 names]

The regulations voted at that time emphasized the fact that the indentures made by the town councils were to be as “good, binding, and effectual in the Law” as those that are allowed of in England by the proper office appointed by the law for that purpose.

As will be seen by an examination of cases taken from the town records previous to this date, the practice of apprenticeship as a means of care and education for orphans, deserted or destitute children, had already long been established.

By the Act of 1753, the use of apprenticeship and indenture became an integral feature of the measures intended to prevent poverty. It lost many of its earlier aspects of education⁶ and took on those of punishment for idleness and vagrancy. The overseers of the poor were again given the authority of administration. In spite of the earliest regulations cited above, the town council had been responsible for the administration of the apprenticeship provisions even prior to the statute of 1741, which had so provided.

This Act of 1753 was definite and inclusive as regards the persons who might be apprenticed, the length of time and the types of service for which they might be bound out, the collection and use of the money received, and the powers and duties of the overseers. Thus:

That any Two of the Overseers of the Poor of any Town in this Colony, for the Time being, are hereby empowered to take any idle or indigent Person, who hath a Family and who by his evil Course of life is likely to become a Town Charge, and put such Person out to Service, either by the Month, or Year, or if he be used to the Sea, to ship him for a Voyage, and to receive his Wages, and deal the same out for the Use of his Family, or to his own Use, as the said Overseers shall judge as they or he have Occasion for the same; as also to put

⁶ See Marcus W. Jernegan, *Laboring and Dependent Classes in Colonial America, 1607-1783* (Chicago: University of Chicago Press, 1931), pp. 59-128, for a discussion of the rôle of apprenticeship in education in colonial New England.

out to Service the Wife of such idle or indigent Person if she be disorderly; likewise to put out any unmarried Person, whether Man, Woman, or Child, who are idle or indigent or who by their ill Conduct are likely to become chargeable.⁷

In 1765 authority was given to the overseers of the Newport workhouse to bind out any persons committed there who seemed likely to become chargeable, for a term not exceeding four years. Children, furthermore, who showed potential chargeability might be apprenticed to some "credible" person in or out of the jurisdiction.⁸

Thus one sees the development of this principle or provision for the relief of destitution growing step by step from the earliest regulation, until it reached the elaborate and inclusive Act of 1798.⁹ As with the other provisions of the legislation in this early period, the administration wavered between the town council or town meeting and the overseers of the poor, with the addition in this case of the workhouse overseers.

One of the earliest references to the practice of binding out is that of Abell Potter in Portsmouth in 1646, a year before the first assembly of the colony at which the English regulations were adopted. In this case Abell Potter's father-in-law had bound him, with his consent, for a period of eighteen years. It will be noticed that this was a year before the passing of the regulation providing for registration of such agreements. Therefore, in this case, the town meeting approved and consented for the better security of the master.¹⁰

APPRENTICESHIP OF ORPHANED OR ABANDONED CHILDREN

Of greater interest were numerous cases of apprenticing abandoned or orphaned children. Reference has been made to the boy for whom Mary Walling, in 1662, asked the town to assume responsibility as she was no longer able to care for him, because of the desertion of her husband.¹¹

⁷ *Acts and Laws of the English Colony of Rhode Island and Providence Plantations* (hereafter referred to as *Acts and Laws*) (1767), p. 197.

⁸ *Ibid*, p. 198.

⁹ See below, chap. vi, pp. 111-16.

¹⁰ *The Early Records of the Town of Portsmouth* (hereafter referred to as *Recs., Portsmouth*), p. 33.

¹¹ See above, chap. ii, p. 20.

In 1693 the Providence town records show that one Andrew Edmunds had abandoned his family one year before, during which time the wife and family had received no "Relief Considerable" from him. The wife did not know where he was and was unable to maintain the family. She, therefore, asked the town to "put forth" the children, in order that the act might be legally accomplished or "Effectuall and not any wayes to be Revoked." The town meeting referred the matter to the town council for action.¹²

In 1695 a complaint was made to the town council of Providence concerning the children of the deceased Zachary ffield (Field). The request, made by the grandfather and uncle, suggested that the children be bound out unto some "good places where they may be well brought up & Educated" in order that they might not be in want and later might be able to earn their livelihood. In this case the mother was living, therefore the council consulted with her and ordered her to find good places for binding out the children. She was told to do this before the next council meeting, when she was to appear with a report as to the persons she had found to take the children, and if the council approved, it would proceed with the binding out. Since Mrs. ffield (Field) failed to appear at the appointed time, the council postponed action until the next meeting,¹³ when she did appear and gave the names of people who would take three of the children until they were twenty-one years of age. She was told to take the necessary action, which she refused to do, saying that she was not "free to bind them out herselfe but [was] willing" for the council to proceed.¹⁴ At the next meeting two men were appointed to bind out three of them, the action to "stand good & as athentick as if y^e whole Councill was y^e personall actors & performers thereof."¹⁵ Mrs. ffield's (Field's) brother appeared at a council meeting several months later, reporting her approaching remarriage, and asking that the council look after the deceased husband's estate, in order that any property left after the payment of debts might go to the children.¹⁶ The brother was asked to find

¹² *The Early Records of the Town of Providence* (hereafter referred to as *Recs., Providence*), XI, 7. See *ibid.*, XII, 62, for a similar case of desertion.

¹³ *Ibid.*, X, 28-29. For case record, see below, p. 309.

¹⁴ *Ibid.*, p. 30.

¹⁵ *Ibid.*, pp. 31-32.

¹⁶ *Ibid.*, pp. 32-33.

places for binding out the other children, and to come to the next meeting with his sister, each of whom should report concerning the estate. Mrs. ffield (Field) did not come to the next meeting but appeared "Refrectery in her actings." The estate was said to have been wasted by her and "not so unproved as it ought & might have been." The brother was ordered to take the complete administration of the remainder. He had apparently not yet found places to which the children might be bound. At this meeting the council reported having bound one of the children for a payment of 50s. out of the father's estate, in return for which the child was to be taught the trade of tanner.

The mother's brother was ordered to deliver this child to his master, but in case the mother or others "obstruct[ed]" this removal, it was to be done with warrant from a magistrate.¹⁷ In 1700, five years after the case had first come to the attention of the council, the mother's brother again appeared, saying that two of the boys who were at home with the mother were likely to "Come to Ruin" unless the council took some action about putting them out to service. It would seem that some "obstruction" had been put in the way of the previous apprenticeships as these two boys had been included in the former plans. At any rate, the uncle was again ordered to seek masters for them and report to a later council meeting.¹⁸

In 1725 Mary Owen was ordered to be bound "aprentis by Jnden-ture: as a poore Child that is fallen to the Tows [town's] Care for Releiff." Her period of apprenticeship was to continue until she was eighteen years of age and she was to be "Learned to Reade, English." At the end of her period of apprenticeship she was to receive a new suit of apparel, in addition to the clothes she was wearing, which should be in good condition. A sister was ordered bound to another master by the same terms.¹⁹

An interesting case in Warwick in 1666 was that of "Sarah Rysbie aged six yeers next May." The father and mother had deserted two years before, but the child had been kept by a fellow-townsmen, who now reported the situation to the council. No one was willing

¹⁷ *Ibid.*, pp. 34-35.

¹⁸ *Ibid.*, pp. 53-54.

¹⁹ *Ibid.*, XII, 85.

to pay this man for the care of the child and the "towne [was] lyable to be Chargeable." The council therefore bound the child as apprentice to the man who had been keeping her, for a period of twelve years. However, if Sarah should marry before the end of the term, the indenture would be void. The terms of the agreement provided that the master and his wife should "doe ther utmost indeavor to teach ye said Child to read English & to bring her up in all manner of housewifery used in this Collony." The apprentice was also to be given food, clothing, and necessities, and if she served out the full period, should have two suits of apparel ("duble aparrell"). The master was ordered not to dispose of the child to anyone else without the consent of the council of Warwick.²⁰

A case in which the overseers of the poor of Providence were concerned is found in the records of the council meeting for September 24, 1722. Richard Wicks, from the settlement of Attleborough, came before the meeting and told of the great expense he had borne in caring for a child who was the responsibility of Providence. There was apparently some disagreement over the responsibility for this case as the record tersely states, ". . . Some debate had betwixt the Councill and the said Richard Wickes: and Likewise some Conferance had in Consideration of the premisses by the Town Councill betwixt themselves." However, it was voted that the town treasury would allow the "said Richard Wickes" ten pounds toward bringing up the child, upon the signing of an indenture, which should agree to keep the child until the age of twenty-one years. The overseers of the poor, with two justices of the peace, were to sign the indenture for Providence.²¹

Samuel Irons asked in his will, in 1720, that his children be apprenticed in order to learn a trade "with people that will take Care of them."²²

BARGAINS MADE FOR THE CARE OF THE SICK

Care for the sick was recognized as an important aspect of care for the destitute and comprised no small proportion of the cost for relief. Under this category were included bills for keeping and at-

²⁰ *The Early Records of the Town of Warwick* (hereafter referred to as *Recs., Warwick*), pp. 317-18.

²¹ *Recs., Providence*, XII, 39-40.

²² *Ibid.*, XVI, 169.

tendance during sickness, bills for physicians, for medicine ("phis-sick"), and for the cure of a "greate too [toe]."²³

The records indicate, however, that the medical care was not always performed by "physicians,"²⁴ but by some person, frequently a woman, with whom a bargain was made by the overseer of the poor or other administrator. Such was the case of Elizabeth Heger (Hedger) at Warwick in 1660. It was ordered at a town meeting that the treasurer make the necessary arrangements for the care of the patient, which included the agreement to pay one month's board for her at Portsmouth. During this month Mr. Peter Tollman should try to cure her and, if he was not successful, he should have no pay—"in case hee cannot cure her, hee will have nothinge for his pains." However, if at the end of a month's time the patient showed some improvement, Mr. Tollman was to remove her to his home for further treatment. Then, if a cure were made, he was to be given her services for two years or, if any persons were willing to pay £10 for her freedom, that means of payment would be allowed.²⁵

It was recorded in the minutes of a Portsmouth town meeting, in 1673, that Mr. Peter Talman (Tollman) was behind in his rates to the extent of 14s. or 17s. However, he had cured one Leonard Percy and had received no pay for it, therefore it was agreed to let the debts cancel each other, he "beinge willinge and haveinge acquitted the Towne from any further claime."²⁶

Another Portsmouth case was that of Ellin Broomer (Bromer). In 1690 four men were chosen to agree with James Talman, or "Some other Skilfull man," to cure Ellin Broomer. The charge was to be

²³ See Treasurer's Report below, Appendix, pp. 264, 266, 277-79.

²⁴ An interesting episode in 1664 is that of the licensing of "Captayne John Cranston" by the general assembly to "adminester phissicke, and practice chirurgery" throughout the "Collony," because of the blessings of God on his good endeavors "to the great comfort of such as have had occation to improve his skill and practice, &c." (*R.I. Col. Recs.*, II, 33). As a sequence to this is the suit for slander entered before the court by "Dr." Cranston against "one Phillep Reads a Stranger to this place profesing himself to be a phisition [physician] and Chyrargeon [surgeon]," who had "Uttered many words tending to the Disparradgment and Discorradgment" of Captain Cranston. Roger Williams acted as arbitrator (*Rhode Island Court Records: Records of the Court of Trials of Providence Plantations, 1662-1670* [hereafter referred to as *R.I. Court Recs.*], II, 33-34).

²⁵ *Recs., Warwick*, pp. 118-19.

²⁶ *Recs., Portsmouth*, p. 179.

paid by the town if it did not exceed £10.²⁷ It would seem that the patient was not cured, as a year later £4 was voted to one Benjamin Hall for "Keeping Lod[g]ing and Looking to" this patient for the ensuing three months;²⁸ while two years later the town treasurer was ordered to give another man a "Sufficient quantyty of money or moneys worth for the Supply and maintainance of Ellin Bromer."²⁹

The Providence records indicate similar practices combining relief and the care of the sick as in the towns of Warwick and Portsmouth. In April, 1724, 40s. on account was paid to one Henry Brown for the care of Mary Peteetes' (Peetes') child, this leaving a balance of 3s. 6d. at the rate of 7s. per week.³⁰ In May, Lieutenant Roger Burlingame appeared before the council and asked that this same child, who had been placed at his house by the council, be removed. It was decided, therefore, to place the child with one Deborah Williams, who had offered to care for and attempt to cure the child, as she had had experience with similar cases. Thus she was to "Jndeauor [endeavor] to vse the best [of her] skill and Experiance: and shee professeth [professes] to haue had Experiance: Jn Cureing of such Melides [maladies] as this Childe is vissited with:"

Mrs. Williams likewise was to be paid according to her success in bringing about a cure, as she was to receive more than the 6s. per week, which had been allowed the previous keeper if "shee hath sucksess and maketh a Cure." The amount to be paid for this extra service of cure was 20s. and "halfe a yard of fustian."³¹ Lack of success in the treatment was indicated by an order in 1725 to pay one John Burton £3 for keeping this child.³²

Other cases in Providence were those of the vote, in 1720, to pay Dr. John Jones £1 10s. for the cure of Richard Collins "when he is well,"³³ and, in 1715, the order to the clerk to draw a bill upon the town treasurer for £3 to be paid Dr. John Hoyl, for the "Cure don" to Hannah Jarrett.³⁴

²⁷ *Ibid.*, p. 241.

²⁸ *Ibid.*, p. 246.

²⁹ *Ibid.*, p. 253.

³⁰ *Recs., Providence*, XII, 96. For case record, see below, p. 322.

³¹ *Ibid.*, p. 77.

³² *Ibid.*, XIII, p. 23 (Treasurer's Report).

³³ See Treasurer's Report below, Appendix, p. 266.

³⁴ *Recs., Providence*, XII, 50.

CARE OF THE INSANE

A group recognized today as needing skilled care of a medical as well as a social nature but cared for in the early period with no specialization in service from that given to the destitute in general was the insane.

There were two aspects to the care of this group considered by the towns: that of administration of any estate which the afflicted person might own and that of actual care of the "demented" person.

ESTATES ADMINISTERED BY TOWN COUNCILS

It will be obvious that here, again, a form of procedure was in advance of the legislation providing for it. Not until 1742 was a statute³⁵ passed giving to each town council the authority to care "for all persons and their estates" who were "delirious, distracted, or non compos mentis" or "such who for want of Discretion in the managing their Estates [were] likely to bring themselves and Families to Want and Misery, and thereby render themselves and their families chargeable to the town in which such Person lives." For the carrying-out of this act the town councils were given authority to appoint guardians to manage the estates of such as were included in these provisions. The duties of these guardians were to include measures "to improve the Rents and Profits of their estates" for their own and their families support. In case the wards were restored to "understanding," the guardians were to give account of their stewardship to them; if not, these accounts were to go to the town councils.

Such a case was that concerning which Roger Williams, in 1650, wrote to the Providence town meeting, asking that attention be given to Mrs. Weston, who was "distracted." His request was for the town to take what property she had left, and appoint an administrator, and to give her whatever other care she needed. This is best expressed in Mr. Williams' own words:

I craue yo^r Consideration of y^t Lamentable obiect, . . . of all our Wonder & Astonishm^t m^{rs} Weston: my experience of y^e distempers of persons elsewhere

³⁵ "An Act Empowering the several Town Councils of this Colony to have the Care and Oversight of all Persons who are *Delirious, Distracted, or Non Compos Mentis* and their Estates," *Acts and Laws* (1745), p. 249.

makes me confident, y^t (although not in all things yet) in a great measure she is a distracted woman My request is y^t you would be pleased to take what is left of hers into yo^r owne hand, & appoint some to order it for her supply: & if it may be, let some publike Act of mercie to her Necessities stand vpon Record amongst y^e mercifull Acts of a mercifull Towne. . . . ³⁶

In another instance the town council appointed as administrator Joseph Whipple, the father of Sarah Crawford, a woman "troubled | with "Jnsanaty | of mind," who was incapable of looking after the estate of her deceased husband.³⁷

The general assembly passed an act in 1718 which enabled the Providence town council to sell the estate of Freegift Balcom, a distracted person who was not able to "subsist himself." It was believed, however, that he had sufficient property to care for him if it were sold and the money applied to his use.³⁸

"Neighbo^r" Pike had often complained to the town of Providence for help because of the "sad Condition of his wiues distraction." Because of this, in 1651 the town treasurer was authorized ("as moneys Come into his hands") to give 50s. to Mr. Pike, and as he made further complaint, this sum was to be added to, to the value of £10 or more.³⁹

The case of Margaret Goodwin in 1651 had an interesting jury comment at the time of her death. The town council had been ordered to dispose of the goods belonging to her and her husband and provide for her necessities, returning an account to the town.⁴⁰ A few months later the verdict of the men chosen to inquire into the causes of her death was given, it having been decided that she died because of a severe peal of thunder or of exposure to cold. Thus the report is worded: "We find so neare as we can judge, that either the terriblenes of the crack of thunder . . . or the coldnes of the night, being she was naked, did kill her."⁴¹

The final report of the administration was given by the record of the town meeting authorizing the men who had been deputed to

³⁶ *Recs., Providence*, XV, 39.

³⁷ *Ibid.*, XII, 19; *ibid.*, XVI, 156-57.

³⁸ *R.I. Col. Recs.*, IV, 242-43.

³⁹ *Recs., Providence*, II, 89.

⁴⁰ *Ibid.*, p. 55.

⁴¹ *Ibid.*, p. 104.

care for Mrs. Goodwin during her "distracted" to sell the remainder of the goods, settle the bills, and return the balance to the town.⁴²

PERSONAL CARE OF THE INSANE

The case of Mary Aldrich (Aldridge, Aldrigg) shows the method by which the overseers of the poor in Providence provided for an insane person during a period of nearly twenty years. Joseph Aldrich, the husband, died in April, 1705, and the first concern thereafter is that of the town council, which appointed an administrator as Mrs. Aldrich was not "well Composed in her mind."⁴³

On April 24, 1710, notice was given to the sheriff to warn the council to meet on April 27 to consider means of caring for Mary Aldrich. The man who was then caring for her was unwilling to "entertain" her longer than the day for which the council meeting was called.⁴⁴

In 1713 the council reported that Mrs. Aldrich had fallen under the care of the overseers of the poor, because of her inability to maintain herself, owing to her "insanity of mind." The man to whom she had been committed for care and custody was now demanding some money, so the deceased husband's brother, who was administrator of the estate, was ordered to pay the caretaker £4.⁴⁵ In 1716 the treasurer's report recorded a bill of £20 12s. 6d. due to this same man for keeping Mrs. Aldrich two years and two months, and to another keeper £8 15s. for her care for one year.⁴⁶

In 1720 Benj. Keech agreed to take Mrs. Aldrich and provide "sufficient meate, drink, apparill, washing and Lodging and all other things nessasary" for four years provided that she was visited with no "Extriordinary sickness nor Lameness" within that period. In return for this service Mr. Keech was to receive the use of the

⁴² *Ibid.*, p. 56. See a similar case in 1709 cited in *Recs.*, *Portsmouth*, p. 305.

⁴³ *Recs.*, *Providence*, X, 83-85. This report also gives an interesting discussion of the method of administration because of a bond which Mr. Aldrich had previously given (*ibid.*, p. 71) to secure the town free from all trouble and charge in maintenance of his mother. For case record, see below, p. 314.

⁴⁴ *Ibid.*, XVII, 269.

⁴⁵ *Ibid.*, X, 129. A receipt for this amount was given Samuel Aldrich for this purpose in December, 1713 (*ibid.*, IX, 6).

⁴⁶ See below, Appendix, p. 264.

"Lands and tenements" that he had leased from a son of Mrs. Aldrich. Two men were appointed to see that Mr. Keech carried out his duty, and also to decide the amount and pay out of the treasury an additional sum if the patient should become more of a burden.⁴⁷

The treasurer's report of this same year recorded a sum of £18 due to a former caretaker of Mrs. Aldrich for a period of two years,⁴⁸ and a town-council meeting of the next year reported a charge of 6s. to be paid to one who had kept the patient, for expenses over and above what had been agreed upon.⁴⁹

In 1724, the four-year period agreed upon with Mr. Keech for care of Mrs. Aldrich being over, the council voted that he should continue to care for her until further order, the treasury to bear the expense above that covered by the use of the house and land.⁵⁰

An interesting record is that of an apprentice who was judged "noncompousmentus" (non compos mentis). The father of Benjamin Beers had died and the property which he left was taken possession of by the town of Providence for managing and improving. The children were apprenticed and one of them, Charles, was given up by the first master and indentured a second time. The amount which the boy was to receive from his second master was reduced 50s. because of the charge the latter had borne ("bin att") in curing him of a sickness ("a Greuious Mealidy he had bin visited with").⁵¹ A later report gave notice of a petition which Peter Balloue sent the council concerning his keeping of Benjamin Beers. As a result of this it was voted to grant the said Mr. Balloue five pounds from the income of the deceased father's estate for the expense he had incurred.⁵² A few months later, however, the boy was deemed "non-compousmentus" and the council agreed to a reassignment of his apprenticeship and the revoking of the clause agreeing that the boy should be taught a trade. The same council meeting voted that the new master should be paid something out of the deceased father's estate for the care of the boy.⁵³

⁴⁷ *Recs., Providence*, XII, 23-24.

⁴⁸ See below, Appendix, p. 266.

⁴⁹ *Recs., Providence*, XII, 32.

⁵⁰ *Ibid.*, p. 84.

⁵¹ *Ibid.*, pp. 6, 10-11, 20-21.

⁵² *Ibid.*, pp. 29, 32.

⁵³ For case record, see below, p. 320.

An interesting reflection upon the extent of understanding of the problem of insanity during the eighteenth century and the attitude toward it is indicated by the comment which Rev. John Comer made in his diary in 1728. He noted the fact that two persons had been "set apart" from church during his administration, one because of drunkenness and the other because of a "disordered brain."⁵⁴

ATTEMPTS TO CONTROL THE SPREAD OF SMALLPOX

The health problem which led to active measures for prevention, on the part of colonial Rhode Island, was that of the smallpox. This disease was the object of attention both from the general assembly and from the governing bodies of the towns. Care included quarantine legislation, plans for financial responsibility, and the erection of pesthouses as well as attention to individual cases.

Some indication of the attitude toward the fatality of the disease is shown in a will made by a resident of Providence in 1678. Thus, William Harris gave, as one reason for making his will, the large number of deaths from smallpox. He stated:

. . . Considering not only y^e mortallitye of all men, but also at this time y^e great sicknesses & mortality y^s is among our neighbours (not far of) many being sick of y^e small Pox, & fevers, & many dieing thereby.⁵⁵

As early as 1690 the reports of the general assembly show that the recorder and his family were sick with the smallpox, for which reason he was prevented from reading the charter to the assembly and from preparing the records of the last session.⁵⁶ Furthermore, the court of March, 1691, had to be postponed because of the prevalence of this disease.⁵⁷

In 1711 was reported the first legislation for the prevention or control of the epidemic. This early statute was directed at the prohibition of anchoring vessels or of persons landing from vessels on which there was smallpox or contagious disease.

Disobedience called for a penalty of £100. Moreover, if any per-

⁵⁴ C. Edwin Barrows (ed.), *The Diary of John Comer*, p. 58.

⁵⁵ *Recs. Providence*, VI, 48. John Comer (Barrows, *op. cit.*) also speaks of the dread of the disease and of deaths in 1730 of the first two inhabitants of Newport who had it (see pp. 20, 106, 107, 108).

⁵⁶ *R.I. Col. Recs.*, III, 278-79.

⁵⁷ *Recs., Providence*, XVII, 134, 138.

son did land and was taken ill, he was to be removed by the justices to a "convenient Place" and to pay the charges connected therewith. Provision was made for recovering the charges in a court of record.⁵⁸

The Providence town records in 1716 report the presentation of a bill concerning expenses "by reason of y^e Small-Pox that hath bin and is now in y^e Towne." There was some uncertainty over the amount of the bill for which the town was responsible, so a committee was appointed to make up the accounts and turn them over to the overseers of the poor after inspecting "in to what the Towns Preportionable part may bee . . . that y^e Towne may not be Ronged."⁵⁹

At Newport, this same year, plans were made for erecting a hospital on Coasters Harbor Island, to be finished within one month. In 1721 the erection of a quarantine building adjoining it was ordered.⁶⁰

QUARANTINE MEASURES ENACTED

Stringent means were taken in 1721 to insure protection against contracting the disease, which was then prevalent in Massachusetts. At this time the general assembly ordered all goods from Massachusetts to be aired and cleansed and all vessels from infected ports to be quarantined. Travelers were held five days on the border of the colony.⁶¹ Still more severe measures were adopted in 1731, when ships having smallpox victims on board were ordered not to enter port. That the general assembly bore the expenses connected with this is shown by the voting of money from the general treasury for those persons who had examined and certified people and goods coming from Boston during this period.⁶² Further action was taken by the general assembly in 1739 when £500 was ordered paid from the general treasury to Newport because of the extraordinary expense connected with the prevention of smallpox. Jamestown and

⁵⁸ *Acts and Laws* (1719), pp. 65-66.

⁵⁹ *Recs., Providence*, XIII, 5-6.

⁶⁰ Samuel Greene Arnold, *History of the State of Rhode Island* . . . , II, 58, 69.

⁶¹ *Ibid.*, p. 70.

⁶² *R.I. Col. Recs.*, IV, 440-41; *Supplementary Pages to the Digest of 1730 of The Acts and Laws of Rhode Island* (hereafter referred to as *Acts and Laws*), pp. 229-30.

Portsmouth received money from the same source the following year.⁶³

A quarantine house was built on Dutch Island in 1739.⁶⁴ In 1751 funds to the extent of £60 were voted by the assembly to erect a pesthouse which was to serve for all of the colony except Newport.⁶⁵

The most comprehensive act to prevent the spread of the disease was passed by the assembly in 1743.⁶⁶ This contained stricter regulations and imposed more severe penalties regarding the anchoring or bringing into port vessels on which there was or had been smallpox, and for the fumigating of goods from such vessels. It prohibited persons from visiting anyone who had the smallpox, or in houses where suspects were confined. It was made a felony with the death penalty (without benefit of clergy) wilfully or purposely to spread the smallpox; and for "wickedly endeavoring" to spread it, the punishment was thirty lashes and six months' imprisonment at hard labor.

The statute carefully excluded, however, from these penalties connected with spreading the disease those "practitioners in physick" who had been allowed to inoculate against the disease.

In order better to assure itself of the carrying-out of the regulation, the assembly further ordered that any physician, surgeon, or other person lawfully required to do any duty relating to the spread of the disease or executing any part of the act who refused or neglected his responsibilities, if the same lay within his power, should forfeit £12.

In 1765 the master of a vessel on which there had been smallpox was authorized to stop the payment of wages of sailors or mariners in order to secure payment to a town of charges for attendance in case of their contracting the disease. The same year legislation provided that public houses, or those in which boarders were kept, should inform the town if anyone within became ill, so that guards

⁶³ *R.I. Col. Recs.*, IV, 559, 569. See petition below, Appendix, p. 269.

⁶⁴ Samuel Greene Arnold, *History of the State of Rhode Island*, II, 125.

⁶⁵ *R.I. Col. Recs.*, V, 338-39.

⁶⁶ "An Act to prevent the spreading of the Small-Pox and other contagious Sickness in this Colony," *Acts and Laws* (1767), pp. 235-41.

could be set and other precautions taken against the spread of the disease.⁶⁷

An interesting description of what appears to have been effective measures taken in Middletown against the spread of the disease is given by Arnold. In May, 1746, the council ordered that the lane leading to an infected spot be closed by a fence and a guard stationed who should kill all dogs or cattle at or near the place. As a result of this it is stated that no more smallpox appeared in this town for twenty-eight years.⁶⁸

As a protest against being detained on shipboard, a group of passengers petitioned the Providence council in 1752. They stated that they were much dissatisfied with lying in quarantine as all were well except one boy, who, they thought, might be separated from the others, and, furthermore, warned the council that if they were not allowed to go, they would leave the vessel in a short time regardless of the consequences to them.⁶⁹

In several town meetings in East Greenwich in 1753, action was taken in relation to a sailor who came there and was "now a breaking out with the Small Pox in the compact part of said town." It was feared that this would be the means of starting an epidemic, therefore a committee of four and "all other proper assistance that they [could] get" were ordered to take him out of the house in "as careful a manner as they [could] and convey him on board of the schooner that he came from the aforesaid city of Philadelphia in and then to convey the said schooner to an Island not far from hence." He was to be kept on board and nursed by the men, who were to remove him with the addition of a passenger who had come with him.

As a further precaution, the family with whom the mariner had been lodging were to be quarantined ("confined") for twenty days. If they should, moreover, "brake out" with the smallpox, they were to be removed to some place decided upon by the council. The following day the council decided to take still further precautions by

⁶⁷ *Ibid.*, pp. 238-39.

⁶⁸ Samuel Greene Arnold, *Historical Sketch of Middletown*, p. 24.

⁶⁹ Although the date given on this petition appears as 1752 in *Recs. Providence*, XV, 55, volume XV covers Town Papers 1639 to April, 1682, which raises a question as to the actual date.

appointing a person to go and air the bedding and clothing in the house as well as clean the room in which the "mariner" had taken sick. In addition to this, a visit was to be made to the house twice a day to see if any had broken out. The mariner's mother, who had nursed him when he became ill, was living in the house. Notice was to be given to the council immediately if any of the members of the family were found to be ill.

A week later the council moved that, inasmuch as some of this family were likely to break out with the smallpox in a short time, it was to be allowed to move them into a specified house when that should occur. All the expenses connected with the "aforesaid Infectious Destroyer of the Small Pox" in this case were to be borne by the family and the mariner's mother, who were being so carefully watched.⁷⁰

That the quarantine on vessels was strictly enforced is shown by a case in which the general assembly ordered a certain vessel in 1756 to be taken into custody or give a security of not less than £5,000 until all charges and damages which had arisen out of the vessel's bringing smallpox into the colony were paid. This vessel had concealed the fact of its having buried a person who had died from the smallpox.⁷¹

PROVISION FOR INOCULATION

Although there is evidence of some preventive action by the assembly during the following decade, the next big outbreak of the epidemic came in the 1770's. During the war period from 1776 to 1778 the controversy regarding the permitting of inoculation was strong. A bill was passed in 1776 providing for a hospital in each county for the purpose of inoculation. Protests against the bill were uttered, one reason being given that it made no provision for the poor.⁷² The act permitting inoculation within the state was repealed and emphasis placed upon the punishment to be given offenders against the former acts directed toward preventing the spread of infectious diseases.⁷³

⁷⁰ D. H. Greene, *History of the Town of East Greenwich and Adjacent Territory from 1677 to 1877*, pp. 43-45.

⁷¹ *R.I. Col. Recs.*, V, 494.

⁷² *Acts and Resolves*, June, 1776, p. 95.

⁷³ *R.I. Col. Recs.*, VIII, 67.

In 1777 three towns were given permission to inoculate,⁷⁴ and later, in the same year, legislation was passed concerning the erection of hospitals to be used for this purpose,⁷⁵ while a committee was appointed for the regulation of these smallpox hospitals.⁷⁶ Nevertheless, the act permitting inoculation was suspended until a specified date, except for soldiers and the residents of North Providence. Disobedience carried a penalty.⁷⁷

Judgment of the efforts of these early colonists must concede the inadequacy of service conscientiously given in an effort to meet special needs. It must be taken into consideration, however, that an attempt was made to provide care without any of the equipment of the modern social worker, whose skill has been increased by the contribution of developments in other sciences and professions, which have made possible specialized care based upon a knowledge of needs as well as of methods of treatment.

⁷⁴ *Ibid.*, p. 196.

⁷⁵ *Ibid.*, p. 275. Permission had been given in 1776 for eleven towns to erect hospitals (*ibid.*, VII, 608).

⁷⁶ *Ibid.*, VIII, 404.

⁷⁷ *Ibid.*, pp. 420-21.

CHAPTER V

METHODS OF FINANCING EARLY RELIEF OF THE POOR

A discussion of relief and care for the destitute in colonial Rhode Island would not be complete without giving attention to the method of financing these services. If the relief given seems grudgingly allowed, or if the efforts made to prevent the settlement of potential charges seem strict, the extreme poverty of the colony should be considered. Mention has already been made of the nature and condition of the early settlers of Rhode Island—not a group of rich planters, nor even sponsored by a wealthy company.¹ Furthermore, the ideals and practices of the early settlement were not such as to attract wealthy followers. Roger Williams had probably more resources than any other of the founders of the colony, yet at times his circumstances were very limited, and, in 1638, Governor Winthrop sent him provisions.²

CONDITIONS OF POVERTY IN THE EARLY COLONY

The plans by which the early allotments of land were made were not an aid to prosperity. The aim had been to give everyone a front both upon the street and upon the river, together with an equal share of the farmlands. This had resulted in a number of small estates widely separated.³

The period of difficulty in clearing the densely wooded forests, of ridding the fields of the coarse native grass, and the delay in the acquisition of cattle, owing to lack of money for purchasing and lack of food and shelter, has been described as a period of "great hardship

¹ See above, chap. i, p. 3.

² Henry C. Dorr, "The Planting and Growth of Providence," *Rhode Island Historical Tracts* (hereafter referred to as *R.I. Hist. Tracts*), No. 15, p. 11. See also *The Early Records of the Town of Providence* (hereafter referred to as *Recs., Providence*), XVII, 273, for a communication from Daniel, son of Roger Williams, regarding his father's circumstances.

³ *R.I. Hist. Tracts*, No. 15, pp. 43-44.

and after several years one of only comparative comfort."⁴ There were, furthermore, few skilled mechanics or tradesmen among the early settlers, and so little encouragement was offered to them that the most necessary forms of skill were lacking. A letter of Roger Williams shows that in 1649 there was no smith in Providence,⁵ while the town records show that craftsmen were induced to come by being granted town lots.⁶ There was no money with which to build vessels for fishing and no seasoned seafarers. In 1658 a letter stated that all commodities were drawn from neighboring colonies with the exception of produce.⁷

No better indication of this poverty is found than the difficulty of paying the expenses of both Roger Williams and John Clarke on their trips to England for the purpose of obtaining rights for the colony.⁸

In spite of these evidences of poverty, the governor, in 1680, wrote in glowing terms in response to inquiries made by the English Board of Trade concerning the economic condition of the colony.

. . . That as for Merchants wee have none, but the most of our Colloney live comfortably by improving the wildernesses.

. . . But as for beggars and vagabonds wee have none amongst us; and as for lame and impotent persons there is due course taken.⁹

The earlier part of the eighteenth century showed an improvement in conditions and a development of trade which lasted but a few years when heavy taxes were assessed to pay for English wars.

In 1740 the colony proudly boasted of being in a flourishing condition with a trade greater in proportion to the dimension of the colony than that of any other colony in His Majesty's American Dominion.¹⁰ However, twenty-five years later a letter from the gov-

⁴ *Ibid.*, pp. 56-60.

⁵ *Ibid.*, pp. 61-62.

⁶ *Recs., Providence*, XI, 49, 80, 102; *The Early Records of the Town of Warwick* (hereafter referred to as *Recs., Warwick*), p. 57.

⁷ *R.I. Hist. Tracts*, No. 15, p. 63.

⁸ Samuel Greene Arnold, *History of the State of Rhode Island and Providence Plantations*, I, 239, 251, 313.

⁹ *Ibid.*, p. 490. This report also stated that there were nine towns in the colony with a population of about "500 planters and about 500 men besides."

¹⁰ *R.I. Hist. Tracts*, No. 8, 158-59.

ernor to the lord commissioner of the treasury said that this trade was declining because of the great losses by merchants in the late war and because of the heavy regulations on what did remain, in order to pay for England's wars.¹¹ Mention has already been made of the extreme hardships during the War of the Revolution, and of the special measures taken for their relief.¹²

SCARCITY OF FUNDS FOR THE ADMINISTRATION OF THE EARLY GOVERNMENT

As might be expected from such conditions, funds for the ordinary affairs of governmental administration were lacking. Although the treasurer had early been included among those officers to be elected in the towns, it is obvious that his duties were not heavy. Just how light his task really was is indicated by several of this officer's reports made to the town meetings. Thus in 1668 he had "Neither Receaved|into|nor paid anything out of the Tresury."¹³ A similar report was made in 1693.¹⁴ It should be noted, however, that this inactivity was partly due to the practice, already mentioned, of assigning the responsibility of raising rates for particular needs to a particular committee, or, as in the case of relief for the destitute, to the overseers of the poor.¹⁵

METHOD OF ASSESSING RATES

While separate rates were frequently set for individual cases of need,¹⁶ as well as for the payment of general expenses as for surveying,¹⁷ for the fencing of the commons,¹⁸ for the payment of salaries of town officers,¹⁹ for the building of a prison,²⁰ and for bounties for killing wolves,²¹ there were also general rates from time to time. It should be noted, too, that these general rates were frequently for the payment of the town's debts, owing often to the

¹¹ *Records of the Colony of Rhode Island and Providence Plantations* (hereafter referred to as *R.I. Col. Recs.*), VI, 478-79.

¹² See above, p. 34.

¹³ *Recs., Providence*, III, 124.

¹⁴ *Ibid.*, XI, 5.

¹⁵ See above, pp. 11-12, 18.

¹⁶ See above, pp. 15-18, 23, 66.

²¹ *Recs., Warwick*, p. 180; *Recs., Providence*, VIII, 80.

¹⁷ *Recs., Providence*, VIII, 45.

¹⁸ *Recs., Warwick*, p. 95.

¹⁹ *Ibid.*, p. 146.

²⁰ *Recs., Providence*, XI, 42.

inability to collect the special rates that had been set. Thus, in 1668, a report to the Portsmouth town meeting complained of there being no exact account of the rates made and spent. For this reason a committee was appointed consisting of one overseer of the poor, two constables, one member of the town council, and one surveyor of cattle whose duty it was to make a rate for the payment of the town's debt and the supply of the poor.²² The following year a rate of £50 was ordered for these same purposes,²³ while the next year a rate of £20 was ordered for the supply of the poor.²⁴

Similar action is reported in Providence, where elaborate bills were drawn up by the committees appointed to take action concerning the town's debts.²⁵

Thus it is seen that the towns had been raising money for their individual needs long in advance of the statutory provision for this which was passed in 1747.²⁶

Various measures were taken to relieve both individuals and groups from assessment or the payment of rates that were levied. Thus, new settlements were customarily relieved from taxation for a period of seven years.²⁷ Impotent persons were exempted from payment of the head tax, which was voted in 1698 upon all males between the ages of sixteen and sixty.²⁸

An interesting exception in case of widows was brought about by a letter addressed to the Providence town meeting in 1681 by Abigail

²² *Records of the Town of Portsmouth* (hereafter referred to as *Recs., Portsmouth*), p. 153.

²³ *Ibid.*, p. 162.

²⁴ *Ibid.*, p. 172.

²⁵ See below, Appendix, pp. 264, 266, and *Recs., Providence*, XI, 60, 122, 125, 166. In spite of these rates, Roger Williams commented, at two widely separated periods, upon the lack of oppressive taxation. In 1654: "Sir we have not known what an excise means, we have almost forgotten what tythes are; yea or taxes, either to church or commonweale" (H. K. Stokes, "Public and Private Finance," *State of Rhode Island and Providence Plantations*, III, 177). And again, in 1680: "Our rates are the least by far of any colony in New England" (J. R. Bartlett [ed.], *The Letters of Roger Williams, 1632-1682* ["Publications of the Narragansett Club" (1st ser.; Providence: Printed for the Narragansett Club, 1874)], VI, 402).

²⁶ *Acts and Laws of His Majesty's Colony of Rhode Island and Providence Plantations in New England, 1745-1752* (hereafter referred to as *Acts and Laws*), p. 46.

²⁷ Samuel Greene Arnold, *History of the State of Rhode Island*, I, 501.

²⁸ *R.I. Col. Recs.*, III, 344. (Indians and Negroes were also exempted.)

Dexter. In this she opposed the assessment of widows for rates to meet certain town services, the advantages of which were not extended to women. She thus argued:

To y^e Towne mett June y^e: 6th: 1681: Honrd Gentelmen, if y^e poore and low Condition, of a poore Widdow haue noe Inflveance upon y^e harts of yo^r rate makers, but to rate me where there is noe justice for it before God nor man, that they should rate me to serjants wages, and House rent, I cannott see just Cause, for these reasons, first y^e serjant hath neither power, nor ocation to warne me to yo^r mettings, knowing I am not allowed any voate there, Secondly all my lands meadows and orchard lys Comon to yo^r Bennifitt, and not to mine nor y^e orphans of my Deceased Husbands. Thirdly if I should have Came to have Voated to day in yo^r Election, perhapps it woud have been sayd what had I to doe there: and Jf I have not to doe to Voate and make use of y^e house you rate me for y^e use there of, I leave to yo^r wisdoms to Judge of: praying yo^r Consideration of it, and yo^r Determynation of the same,

Yo^r poore Widow and ffreind
Abbigarill Dexter²⁹

Mrs. Dexter's pleas led to the passage of a measure that widows should no longer be rated for the payment of house rent for town meetings or for the sergeant's fee for calling these meetings.

PRODUCE, STOCK, AND LAND SUBSTITUTED FOR MONEY

Because of the scarcity of money, substitutions for its use were made by providing other means by which rates could be paid. One example of this is the regulation that the per diem of the members of the general assembly might, upon the certification of their accounts by the moderator, be used to offset the payment of their individual taxes assessed in their own towns.³⁰

Produce and stock were, furthermore, used both as means of paying the rates and as paying debts. Thus, in 1671, a horse is given in payment of a debt of the town of Providence³¹ and, in 1664, George Way expressed his willingness to take sixteen acres of land in return for two years' service as town sergeant.³² Joseph Smith asked for two "acors" of land in "ConcederAtion" of a wolf that he killed.³³

²⁹ *Recs.*, Providence, XV, 230-31.

³⁰ Samuel Greene Arnold, *History of the State of Rhode Island*, I, 328.

³¹ *Recs.*, Providence, III, 202.

³² *Ibid.*, p. 56.

³³ *Ibid.*, XVII, 70.

Numerous records were made of the value of produce when given as payment of rates. This method of payment was used in the colony's as well as the town's rates. Thus, in 1670, the general assembly gave the values of "good porke," peas, wheat, Indian corn, oats, wool, or "such other pay" as the treasurer should "see cause to accept." However, if anyone paid in New England money, 1s. cash would be accepted for the value of 2s. in produce.³⁴

In 1664 a rate of £130 was voted at Providence for the payment of which quotations were made on the value of wheat, peas, pork, horses, or cattle,³⁵ as was also done for a rate in Portsmouth in 1688.³⁶

ASSIGNMENT FOR THE CARE OF THE POOR OF MONEY LEVIED AS FINES

Even more important as a means of supplying money to be used in the care of the poor, and what would seem to afford a generous supply, was the use of fines. The members of the first assembly had followed the English precedent and assigned for use of the poor fines for certain misdemeanors and for the neglect of certain civic responsibilities.

Thus the fine of 20s. as a penalty for keeping tavern, alehouse, or "victualling house" without license, as well as the fine of 3s. 4d. for a townsman found tippling for one hour's space in tavern, alehouse, or "victualling house" were to go to the use of the poor, while for drunkenness 5s. for the first offense and 10s. for the second were to be used for the same purpose.³⁷ Similar use was to be made, at various times, of fines for offenses as diversified as the improper tanning of leather;³⁸ neglect or refusal to register births, marriages, or deaths;³⁹ setting fire to woods;⁴⁰ tying canoes to, or throwing stones from, bridges;⁴¹ improper regulation of the size of barrels;⁴² conviction of fornication;⁴³ receiving money for voting, or promising to

³⁴ *R.I. Col. Recs.*, II, 359.

³⁵ *Recs.*, Providence, III, 58; butter (*ibid.*, p. 43) and flour (p. 30) were also evaluated as means of payment.

³⁶ *Recs.*, Portsmouth, p. 239.

³⁷ *R.I. Col. Recs.*, I, 185-86.

³⁸ *Ibid.*, IV, 8.

³⁹ *Ibid.*, p. 35.

⁴⁰ *Acts and Laws, 1745-1752*, p. 97.

⁴¹ *Ibid.* (1767), pp. 25-26.

⁴² *Ibid.*, p. 26.

⁴³ *Ibid.*, (1745), p. 118.

vote in a certain way for money or award;⁴⁴ and working or playing on the first day of the week, or allowing a child, servant, or apprentice to do likewise unless in works of necessity or charity.⁴⁵

Several methods were provided for the distribution of the fines so obtained. In some cases the entire amount was to go to the use of the poor in the town in which the offense was committed; in other cases, one-half or one-third of the amount was to be so used. In some cases the penalty applied to misdemeanors committed in specified towns only, in which case the fines were locally applied. The colony was allotted a proportion and the informer a proportion in other provisions. Some indications of interesting direct application of funds so raised are recorded. One such was the provision in Newport that the fines assessed upon all who disobeyed the officers at time of fire should be distributed by the town council among the "Poor most distressed by the Fire."⁴⁶ A similar application was that of giving for the use of the town the bread which was seized when not of a specified weight.⁴⁷

It is obvious that some of these regulations were intended to serve a double purpose. Thus, in 1721, it was voted that because "many Inhabitants of this Colony spend much of their time and Money at Taverns, Ale-Houses, etc" to "utter ruine of themselves, but also exposes their Families to Penury and Misery, and brings Considerable Charges upon the Towns in which they respectively belong," the retailers of liquor offending were to be fined for the use of the poor.⁴⁸

It seems clear from the assignment of so much of the income from both rates and fines to the use of the poor that this was considered an important item in the budget. However, it also seems clear in consideration of the amount of money which it was necessary to raise for individual cases as well as that for the poor included in the general rates that one of two things was true: either these early Rhode Islanders did not disobey the laws or else the fines were not collected or were not applied as directed. However, as these regulations developed as need was seen with the increasing complexity of society the former theory seems unlikely. Furthermore, some suspi-

⁴⁴ *Ibid.* (1730 suppl.), p. 280.

⁴⁵ *Ibid.* (1719), p. 32.

⁴⁶ *Acts and Laws, 1745-1752*, p. 74.

⁴⁷ *Ibid.* (1719), p. 59.

⁴⁸ *Ibid.* (1730), p. 114.

cion seems to be cast upon the officials by the following statement of the court in 1669, concerning its dissatisfaction "with what becomes of fines imposed for several years past." The colony was indebted and there was no money in the treasury. As an attempt to prevent further unbusiness-like procedure, the general recorder was ordered thereafter to make a list of fines to send to the general treasurer; furthermore, he was ordered to make a list of all recorded since the treasurer's term in office, so that an inquiry might be made into their disposition.⁴⁹

Remission of fines, because of the circumstances of the individual upon whom they were levied, is not uncommonly found. Thus are recorded instances of such remissions because of poverty, debility, illness, and age.⁵⁰

NATURAL RESOURCES USED AS RELIEF FOR THE POOR

As long as some of the natural resources continued to be under the control of the towns, this afforded a frequent source of relief. Not only did this include the right to the freemen of their use in common of pasturage, wood for fencing, building, and fuel, but the privilege was often extended to persons who did not have the rights of freemen.⁵¹ These rights were carefully guarded and punishment for their abuse was inflicted.⁵²

One of the first records of common sharing is at the time of scarcity of corn in Newport in 1639. After a survey there was found to be one hundred and eight bushels to last ninety-six persons six weeks. This was apportioned out to the amount of one bushel and one-half peck for each person. A stipulation was made that those who lent corn for this supply were to be repaid as soon as more was obtained.⁵³

Later periods of grain scarcity called for action from the general assembly. Thus, in 1713, because of the exporting of grain "which

⁴⁹ *Rhode Island Court Records: Records of the Court of Trials of Providence Plantations, 1662-1670* (hereafter referred to as *R.I. Court Recs.*), II, 89. An order was also made in 1714 to investigate what "was become of the licence money" in Providence (*Recs., Providence*, XI, 175).

⁵⁰ *R.I. Col. Recs.*, III, 81-82, 104.

⁵¹ *Recs., Providence*, III, 86, 248.

⁵² *Ibid.*, VIII, 102, 104; *ibid.*, XI, 141; *R.I. Court Recs.*, II, 52.

⁵³ *R.I. Col. Recs.*, I, 98.

caused great scarcity and want," regulations were passed preventing exportation with penalties for disobedience.⁵⁴ Again, in 1724, because of the failure of the grain crop, similar action was taken with the additional provision that the general treasurer should buy up two thousand bushels to be sold to the inhabitants in small quantities.⁵⁵

Grants of land to the poor are often found recorded. The distribution of additional lands was also used as a means of lightening the burden of the new settlers. In 1657 Portsmouth unanimously agreed to add one hundred acres to the amount to be divided, thus to increase "the Supply of those that want which in Respect of the largeness of their famelies and the Smalnes of what will Com to their parts in the 200 acres will not Suffitiantly Supply their nesesityes."⁵⁶

Portsmouth also, in 1675, in order to "afoard Neighbourly Charety to men in want and distress," voted to set aside as much as one hundred acres if necessary for the relief of people who had been driven from their homes by the Indians. This was in the form of a loan to be used for sowing or planting for two years and "noe longer."⁵⁷

Individual grants were also made to the "destetude of land." Providence, in 1700, granted John Whipple ten acres because he was in want of land to "improve for a lively hood."⁵⁸

In 1702 John Tabor's house and goods burned, leaving him no way to earn his living. Consequently, he was granted twenty acres which should be in the possession of himself, or his widow if she did not remarry, and to his "heir lawfully begotten of his Body" if there were any such. If not, it should return to the town.⁵⁹

Thomas Brooke, an "Antient Inhabitant," had his request granted for the use of a piece of land to use in his trade of leather-dressing. This land was to return to the town of Portsmouth upon his death.⁶⁰

⁵⁴ *Ibid.*, IV, 158-61.

⁵⁵ William Staples, *Annals of the Town of Providence*, p. 190. Even more stringent measures were taken during the Revolutionary War, but they do not form a part of this discussion.

⁵⁶ *Recs.*, *Portsmouth*, p. 81.

⁵⁷ *Ibid.*, pp. 188-89.

⁵⁸ *Recs.*, *Providence*, XI, 55.

⁵⁹ *Ibid.*, p. 68.

⁶⁰ *Recs.*, *Portsmouth*, p. 154.

USE OF THE LOTTERY TO OBTAIN FUNDS

An important source of funds in the eighteenth-century relief, as well as for other governmental functions, was the lottery. Court-houses, libraries,⁶¹ roads,⁶² and bridges⁶³ were built, and churches⁶⁴ and parsonages⁶⁵ erected and repaired through the sale of lottery tickets. Considerable sums were raised, too, in this manner for the relief of distress. Thus in South Kingston five hundred dollars was to be raised by this means for the relief of the "poverty and distress" caused to Mr. Abial Brown, his wife, and four children by the burning of his house and furniture.⁶⁶

In another case the loss of a two-thousand-dollar whaling vessel, belonging to a man with a wife and seven children to support, entitled him to the use of a lottery to raise twelve hundred dollars.⁶⁷

The general treasurer was ordered to purchase tickets at one time of a lottery granted to discharge a man's debt. A flood had carried away a dam and a grist mill, while his distress was further increased by the sickness of himself and his family. Permission was granted to him to conduct a lottery to raise £50 to repair the property.⁶⁸

Permission to raise forty-five hundred dollars by lottery was granted in 1762 to two men in Newport whose merchandise was ruined by fire. These men were said to have been almost "utterly ruined," and many of His Majesty's subjects were desirous of assisting the petitioner in the handsomest manner they could.⁶⁹

An interesting petition⁷⁰ presented to the general assembly in 1748 requested permission to conduct a "charitable lottery" for Joseph Fox, a "Distressed person," and his family. "Private charities" were said to be too small to raise the sum necessary to free the poor debtor from the Newport prison where he had been for a year and a half, because of a debt "truly anothers."

Of more general interest to the community was the case of the

⁶¹ *R.I. Col. Recs.*, VI, 215.

⁶² *Ibid.*, p. 307.

⁶³ *Ibid.*, p. 294.

⁶⁴ *Ibid.*, p. 290.

⁶⁵ *Ibid.*, p. 530.

⁶⁶ *Ibid.*, VII, 242.

⁶⁷ *Ibid.*, p. 250.

⁶⁸ *Ibid.*, p. 256.

⁶⁹ *Ibid.*, VI, 305.

⁷⁰ MS Petitions to Rhode Island General Assembly (1748-50), VII, 33. See below, Appendix, for a copy of this petition, p. 270.

lottery desired to rebuild a forge in Coventry in 1772. The petition read as follows:

That the loss is so great that they cannot repair it without assistance. That some of them are considerably indebted, having increasing families to maintain, and by said misfortune are deprived of their principal Dependence. That although they the Petitioners are the immediate sufferers yet many others must consequently share in the calamity, as a considerable part of the country adjacent were employed by means of said forge; which also furnished a very material and expensive article for shipping; and that if said forge be not repaired the Anchor works which still remain will be in a manner useless.⁷¹

It was recorded at one time that the lottery tickets which were being sold for the erection of a public granary were going slowly because of the number of lotteries going on at the same time.⁷²

The excuse of the poverty of the people was used as the reason for asking for a lottery to build a road. This was to extend through a rugged and uneven country where the inhabitants were scattered and "generally poor."⁷³ Mention has already been made of the building of workhouses in two communities by the use of lottery tickets to obtain funds.⁷⁴

USE OF FREE LABOR ON PUBLIC WORKS

One other important means adopted to lessen the need for cash was the use of free labor in making and repairing such public works as highways and bridges,⁷⁵ fences around the common pasturage,⁷⁶ and repairing a mill dam.⁷⁷ Refusal or neglect to perform these duties carried penalties, either in the nature of fines or in the deprivation of the use of common resources.⁷⁸

GRANTING OF MONOPOLIES IN MANUFACTURING ON BASIS OF LABOR GIVEN POOR

Interesting attempts to find a reason for the seeking of monopolies because of the advantages to the poor were found. In 1761 a petition

⁷¹ *Acts and Resolves at the General Assembly of the Governor and Company of the English Colony of Rhode Island and Providence Plantations, 1772* (hereafter referred to as *Acts and Resolves*), p. 37.

⁷² *R.I. Col. Recs.*, VI, 292.

⁷³ *Ibid.*, p. 546.

⁷⁴ See above, pp. 40-41, 270-71.

⁷⁵ *Recs., Providence*, III, 55, 62, 83; *Recs., Warwick*, p. 129.

⁷⁶ *Recs., Warwick*, pp. 130, 143.

⁷⁷ *Ibid.*, p. 127.

⁷⁸ *Ibid.*, p. 128.

for a monopoly in making castile soap was directed to the general assembly. This stated, as one of the advantages, the fact that many poor people would be employed in obtaining one of the chief materials needed for the manufacture of the product.⁷⁹ A similar request was made for a monopoly on the mining of coal because of the potential employment and the consequent cheaper coal.⁸⁰

An extremely interesting measure taken in relation to the financial aspects of early relief was the action of the general assembly in 1719 and 1721 to protect the use of funds or other bequests for "charitable uses."

CONTROL OF TRUST FUNDS GIVEN TO TOWN COUNCILS

In 1719 the town council of Newport petitioned the general assembly, stating that there had been mismanagement of "real estate of lands" which had been given by John Clarke for "the relief and benefit of the poor, and bringing up children to school." This had not been "rightly improved nor duly applied for the uses given." The petition further pointed out that breaches of trust and mismanagement were not relievable by actions in other process at common law. The general assembly believed, therefore, that not only a particular but a general remedy was needed for such cases. As a result, action was taken giving general authority to the town councils, as well as the Newport council, to be "empowered, authorized, constituted and appointed" as a court to inquire into all such misuse of funds and to take proper steps for redress and punishment thereof.⁸¹

This procedure was formalized in 1721 as "An Act To redress the Misimployment of Lands, Goods, and Stocks of Money, heretofore given to Certain Charitable Uses."⁸²

This statute provided for the inquiry by town councils, as well as by the "oaths of Twelve Lawful men or more" and by "all other good and Lawful ways and means," into the improper employment

⁷⁹ *R.I. Col. Recs.*, VI, 267.

⁸⁰ *Ibid.*, pp. 537-38.

⁸¹ *Ibid.*, IV, 253-55.

⁸² *Acts and Laws of His Majesties Colony of Rhode Island and Providence Plantations in America* (hereafter referred to as *Acts and Laws*) (1730), pp. 122-24. See below, Appendix, pp. 267-69, for a copy of this act.

of such trusts. This investigation might be made yearly or as often as seemed necessary, and should include

abuses and breaches of Trust, Negligence, Misimployments, not Imploying, Concealing, Defrauding and Misconverting, or Misgovernment of any Lands, Tenements, Hereditraments, Rents, Profits, Goods, Chattels and Stocks of Money and the Profits thereof, heretofore Given, Limited, Appointed or Assigned or which hereafter [should be so designated].

The statute gave further power to the town councils to make regulations for the proper use of such trusts in accordance with the intention of the founders or donors. The execution of such orders was intrusted to the sheriff unless countermanded by the governor and general council upon the complaint of anyone "agrieved." Penalties for such breaches of trust or negligence were to be suffered by those responsible by having the amounts misused levied out of their estates or, in want of sufficient estates, to be sentenced to jail until such funds were repaid.

The costs of suit brought by persons "agrieved" which were not found to be justified by the governor and council of the colony were to be borne by those who had made the complaints. Furthermore, an appeal from a decision of the town council must be accompanied within ten days of that appeal by a bond sufficient to cover the costs of the suit.

An effort has been made to show how, when funds were scarce, ingenious methods were used to lighten the burden of rates. As long as natural resources were available, they afforded a means frequently used to relieve poverty. Other methods adopted for this purpose were those of the assignment of fines levied for certain designated offenses and the granting of lotteries in cases of special need. This attention to methods of providing funds clearly indicates the recognition in the colonial era of relief to the poor as a definite and important function of government.

PART II

THE MODERN PERIOD

CHAPTER VI

THE POOR LAW, 1798-1934

As has been seen in the discussion of the colonial provisions for the care of the poor, the principles of the Rhode Island law were based upon those of the Elizabethan statute of 1601, first adopted and later developed and adapted by the early legislative body. The Poor Law of the modern era dates from 1798. In 1795 a committee was at work collecting and codifying the statutes in order "to revise and incorporate them into as plain and comprehensive a system as may be."¹ The task assigned to this committee was to include not only the consideration of statutes already compiled, but also authority was given it to "revise all of the statutes of England and Great Britain which are consonant to the constitution and practice of this state and form a system of laws for the state from the whole, with such amendments and alterations from the present laws as may appear to them useful."²

In the resulting codification of 1798, separate acts, which had pertained to the care of the poor, were assembled under the title of "An Act Providing for the Relief, Support, Employment and Removal of the Poor."³ This remained the title and form of the statute until 1844, when it became "An Act Providing for the Relief, Employment and Removal of the Poor."⁴ In 1857 it was given the present title "Of the Settlement and Support of Paupers and the Prevention of Pauperism."

¹ *Acts and Resolves Passed at the General Assembly of the State of Rhode Island and Providence Plantations . . . , May, 1795*, p. 18. (Hereafter referred to as *Acts and Resolves*.)

² *Ibid.*, October, 1795, p. 11. The completion of this work resulted in the *Public Laws of the State of Rhode Island and Providence Plantations* (revision of 1798) (hereafter referred to as *Public Laws*). It should be noted that while some of these provisions were passed during the period between 1790, when the period of statehood began, and 1798, it has not seemed important to distinguish such statutes from this first codification.

³ *Public Laws* (revision of 1798), p. 348.

⁴ *Ibid.* (revision of 1844), pp. 342-50.

The change in the statute at that time, however, was one of organization and form rather than of principle. Isolated acts defining eligibility for and providing for the manner of care for the destitute were assembled for the first time in one general statute. This contained four chapters, the titles of which have remained unchanged and indicate the nature of the provisions, "Of the Settlement of Paupers," "Of the Support and Discipline of Paupers," "Of Keeping Out and Removing Paupers," "Of the Maintenance of Bastard Children."⁵

In the following discussion of the nineteenth- and twentieth-century development and interpretation of the poor law, attention will be called first to the provisions of the statute in force at the beginning of the century. Following this summary, the separate provisions will be traced down to the present time, together with the amendments or additions and judicial decisions affecting each. A final review of the law as it stands today will close this presentation.

LOCAL RESPONSIBILITY FOR THE SETTLED POOR

The principles of local responsibility, already firmly established, and the conditions under which settlement could be acquired were first clearly set out in this statute.⁶ Thus it may be well to quote the words used:

Every town in this State shall be holden to relieve and support all poor and indigent persons, lawfully settled therein, whenever they shall stand in need thereof; and may vote and raise monies therefor, and for their employment, in the same way that monies for other town charges are raised.

Administration was provided for by the power to choose annually not more than five suitable persons as overseers.⁷ These overseers were charged with the "care and oversight of all such poor and

⁵ *Revised Statutes* (1857), Title X, cc. 49-52, pp. 134-44. Two groups, the "Naragansett Indians" and "bastard children," for whom special provision was made in the statute have not been included in this study, as their care involves other principles not applicable to the care of the destitute. In 1926 the title "Of the Maintenance of Bastard Children" was changed to read "Of Children Born Out of Wedlock" (*Acts and Resolves, January, 1926*, c. 843, pp. 265-72).

⁶ The provisions for acquiring settlement will be discussed below in chap. vii. See especially footnote 1.

⁷ *Public Laws* (revision of 1798), p. 348, sec. 1.

indigent persons" settled in the respective towns. This "care and oversight" was further defined as relief, support, or employment, either in the workhouse or in other tenements belonging to the town, or "in such other way and manner as the inhabitants of the respective towns" at any legal meeting should direct or "otherwise at the discretion of the said overseers."⁸ Thus, while emphasis was placed upon "indoor" relief, provision was made for other methods of care. The history of the administration of the poor law in Rhode Island for over a century is a history of trial and effort resulting from an attempt to arrive at a satisfactory method of care for the poor, as reflected in the rise and decline of the almshouse system, accompanied by the parallel decline and rise of relief outside of the almshouse.

RESPONSIBILITY OF RELATIVES

The responsibility of relatives for the relief of the destitute members of their family was recognized. Father, grandfather, mother, grandmother, children, or grandchildren who lived within the state and were of "sufficient ability" were required to provide relief in proportion to that ability. It will be noted that the responsibility of brothers and sisters was not included in the statute. Authority to enforce this provision was given to the supreme judicial court in each county in which the kindred resided. This court had the further right, upon complaint of the overseers of the poor who had advanced relief to a destitute person or family, to "assess and apportion" a reasonable sum upon the relatives of sufficient ability, together with the costs of collecting this assessment. The sum might, furthermore, be taken by a warrant of distress, but might not be collected to cover expenditure given six months previous to the filing of the complaint.⁹ Additional authority was given to the overseers to assess a weekly sum for the future, this sum to be paid quarterly, through them. However, provision was included for making changes in the orders, upon the application of either party interested, if varying circum-

⁸ *Ibid.*, sec. 2.

⁹ Relatives who were not named in the complaint could be included in the proceedings against, as well as those who were named, but if a suit were not entered, were judged groundless, or discontinued, these relatives could recover costs (*ibid.*, pp. 348-49, sec. 3).

stances warranted. The court had the further right to decide with what relative the "pauper" should live, or to apportion the time among the different relatives. To be sure, the courts were warned to have "regard to the comfort of pauper as well as to the convenience of the kindred," but this "regard," if thoughtfully carried out, would tend to negate the forceful intent of the act.¹⁰

APPRENTICESHIP AS A MEANS OF RELIEF

As a means of preventing future poverty as well as reducing the expenditures for relief, the power to apprentice and bind out certain persons was given to the overseers. Included in this group were children whose parents were chargeable to the town and also those, whose parents the overseers thought unable to maintain them, whether or not the parents were receiving alms or were chargeable at that time, providing they were not assessed in any town tax. Children of state-supported parents were also included. Precaution was taken to assure the legality of the procedure by the provision that the apprenticeship was as binding as though the apprentice were twenty-one years of age and had been bound by himself or his parents. The period of apprenticeship for male children extended to the age of twenty-one, and for female children, to the age of eighteen, or until marriage. "Citizens of the state" were named as those persons with whom children might be placed,¹¹ but in 1800 this provision was amended to include inhabitants of towns of Massachusetts or Connecticut.¹²

SIMILARITY IN TREATMENT OF THE DESTITUTE AND THE PETTY CRIMINAL

The authority was also given to the overseers to set on work or to bind out to service for a term not exceeding one year at a time able-

¹⁰ *Ibid.*, p. 350, sec. 3.

¹¹ *Ibid.*, p. 351, secs. 4-6. Educational aspects were considered in the statement that children might be apprenticed "in any lawful art, trade or mystery, or as servants to be employed in any lawful work or labour." Male children were to be taught to "read, write and cypher" while the female children need only learn to "read and write." Such "other instruction, benefit and allowance" within or at the end of the period, as the overseers thought "fit and reasonable" was thus indefinitely to be provided. The overseers were given the authority to protect the rights and treatment of the children and to bring action for damages in case of breach of contract.

¹² *Acts and Resolves, October, 1800*, p. 38.

bodied persons over twenty-one years of age, single or married, whether having settlement or not, "who [lived] idly and [used] and [exercised] no ordinary and daily lawful trade or business to get their living by." While this provision was ostensibly a means for preventing poverty and thus chargeability, it indicated similarity to penal procedure of methods in use, as late as the nineteenth century, in treating destitution. There was in effect a practice under the poor law which permitted a treatment of the destitute as petty criminals and of destitution as a crime. This attitude became even more obvious in the early period when almshouses and workhouses were being established and before a clear distinction had developed between the functions and objectives of these two classes of institutions, and indicated the inheritance of the seventeenth-century English idea of the poor law as a means of preventing or stopping begging and vagrancy and not as a means of formulating a constructive social program. Some doubt of the justice of this provision of the statute is indicated by the provision allowing the person so bound the right of appeal to the judicial court, if he felt aggrieved at his treatment.¹³

Provision was made for the state support of any person becoming chargeable to a town who did not have a legal settlement in any of the United States. No method of administration for this provision was set up, however.¹⁴

TOWNSMEN PENALIZED FOR "ENTERTAINING" OR BRINGING STRANGERS INTO THE TOWN

A further attempt was made to transfer responsibility by placing penalties for entertaining or bringing "strangers" into a town. Thus a fine of seven dollars could be levied upon a townsman who kept a "stranger" more than one week, without reporting this presence, in writing, to the town council.¹⁵ The fine for bringing a person, known to be "poor and indigent," into any town in the state, in which he had no settlement, was one hundred dollars.¹⁶ However,

¹³ *Public Laws* (revision of 1798), p. 352, sec. 7.

¹⁴ *Ibid.*, p. 356, sec. 14.

¹⁵ *Ibid.*, p. 357, sec. 15.

¹⁶ *Ibid.*, p. 357, sec. 16. A short-lived act had been passed in 1797 placing a fine of two hundred dollars upon any person, even an officer executing an order of removal, who brought a person from a neighboring state who "might be liable" to become chargeable (*Acts and Resolves, October, 1797*, pp. 12-13).

the master of a vessel might be fined four hundred dollars for bringing a criminal or dissolute person into the state. One half of this fine was to be assigned to the state, and one half to the person prosecuting the offense.¹⁷ Further responsibility was placed upon the master of a vessel by the requirement that he give to the overseer of the poor, within forty-eight hours of arrival, or before landing, a list of the name, nationality, age, character, and condition of any passengers from foreign countries. The penalty for disobedience of this provision was two hundred dollars.¹⁸

Thus it will have been observed that while the statute definitely delegated to the towns the responsibility for the care of their destitute residents, it provided at the same time methods by which this responsibility might be transferred to relatives, by apprenticeship or binding out, by the strict requirements for settlement, or by the removal of potential charges.

While there are numerous amendments to and some litigation over provisions of this statute during the nineteenth and the first quarter of the twentieth century, it will be seen that this tended to define more clearly and to strengthen the provisions rather than to change any of the fundamental elements of the law.

STATE AID TO TOWNS DISCONTINUED

The discontinuance of state aid to towns supporting state paupers was provided for in 1800.¹⁹ Any towns or persons whose demands against the state for such expenses were not presented, furthermore, to the following session of the general assembly were to have their accounts forever barred and foreclosed.²⁰ There is some evidence,

¹⁷ *Public Laws* (revision of 1798), pp. 357-58, sec. 17.

¹⁸ *Ibid.*, p. 358 sec. 18. For the sake of clarity the sections of this part of the statute dealing with "removals" will be discussed in relation to the settlement regulations where the subject seems logically to belong.

¹⁹ *Ibid.*, February, 1800, p. 38.

²⁰ *Acts and Resolves, February, 1800*, p. 30. The comparatively large number of state paupers at the beginning of the nineteenth century was due to the fact that a large number of the special groups—war exiles, members of colored regiments, and French exiles from Santo Domingo—were still being supported under the special acts passed for that purpose. The report of the general treasurer in February, 1800, showed bills amounting to more than four hundred dollars allowed in response to this appeal (*ibid.*, pp. 24-31).

however, of the existence of special funds for state paupers²¹ between that date and the time in the last half of the nineteenth century when agitation on the question of the care of the non-settled poor led to the establishment of a state almshouse for the care of this group.

ALTERATIONS IN PROVISIONS FOR RESPONSIBILITY
OF RELATIVES

The provisions of the statute placing the responsibility for the destitute upon relatives in certain degrees of relationship have undergone several changes through amendments and one judicial decision. While these changes have in the main tended toward a less strict adherence to this principle, the principle has remained to the present day.

One of the problems left unsolved by the provisions of the law was that of the circumstances under which relatives could be required to care for members of their family and the extent to which the obligation could be enforced. This was clarified by a judicial decision in 1850. At that time George Card²² had been adjudged insane and committed to Butler Hospital by the overseers of the poor of East Greenwich. He remained at the hospital three months, the town paying for his care because his father had refused to do so. As a result of the inability of the town to collect reimbursement for the money expended, the patient was moved from the hospital to the town poorhouse. The overseers then appealed to the court to exercise its power of assessing a sum upon the father, for money already expended as well as for future care. The father's refusal to comply with the order, resulting in the appeal to the higher court, was based upon several factors. In the first place, he argued that if he were liable to the Butler Hospital for care given his son, the hospital should have requested the payment from him, and, in case of his failure to pay, should have brought suit. Furthermore, if he were to pay for the care of his son, he had the privilege of saying where this

²¹ A special act in 1812 provided for the necessary maintenance of Cupidore Rome, "a states pauper," and assigned the responsibility for this care to one Edward Wilcox, who was to present the bills to the regular session of the general assembly in June and October (*ibid.*, June, 1812, p. 9). A later record shows a bill of \$75.60 presented for Mr. Rome's care (*ibid.*, February, 1813, p. 16).

²² *Overseers of the Poor of East Greenwich v. Henry Card*, 1 R.I. 409 (1850).

care should be given, and to have kept the son in Butler Hospital where more adequate care would have been provided than that given in the town poorhouse. Finally, he was financially able to pay only a part, if any, of the expense for his son's care. The court ruled that Mr. Card was liable for the support of his son, but that it was not the intention of the statute to compel support by relatives to such an extent that the results might be destitution of those forced to pay. An order was therefore made assessing the father for reimbursement for one-half of the expenses incurred up to the time of the assessment, but as the son had died, meanwhile, in the poorhouse, no future care need be considered.

In 1882 the responsibility which had been placed upon relatives in direct line of descent was amended to include children by adoption as well as by birth.²³

A change or addition to the statute, passed in 1917, was aimed at developing stricter provision for the enforcement of liability and at affording an opportunity for escaping this responsibility under certain circumstances. The amending act provided that any person over twenty-one years of age who "unreasonably [neglected] or [refused]" to provide for a parent who, residing in the state, was destitute "without fault of his own" should be punished by a fine not to exceed two hundred dollars and/or imprisonment for not more than one year. In order, however, to protect a child who had been neglected by his parent during childhood, the act provided that failure to support a parent should not be deemed "unreasonable neglect" if the parent having been "charged with duty" had failed to support the child during the latter's minority. Moreover, it should not be enforced upon one of several persons responsible for support when that one had made adequate contributions. The court was given the power, under this act, also to make orders for support, before the trial was held.²⁴

In 1930 the procedure was simplified and delay avoided by transferring the jurisdiction of enforcing payment for back care and assessments for the future from the superior court to the district court.²⁵

²³ *Acts and Resolves, January, 1882*, c. 268, p. 146.

²⁴ *Ibid.*, *January, 1917*, c. 1510, secs. 1-4, pp. 103-4.

²⁵ *Ibid.*, *January, 1930* (amendment to secs. 6-7 of c. 105), c. 1580, p. 377.

CHANGES IN APPRENTICESHIP PROVISIONS

Modernization of the provisions regarding the right of overseers to bind out children came slowly. In 1838 two groups were added to those included at the beginning of the century. This made it possible for the overseers to apprentice children of parents legally settled who were chargeable or potentially chargeable to the town, those of state-supported parents,²⁶ those whose father or surviving parent,²⁷ although not having settlement, was judged by the council in the town in which he resided to be unable to maintain them, and those children who did not have sufficient estate for their maintenance, who did not have parents residing within the town and had no legal settlement in the state.²⁸

In 1848 the towns were given authority to bind, to the superintendent of the Providence Children's Friend Society, such children as were included in the groups named. This amendment also gave authority to the superintendent of that institution to place these children in suitable family homes. The overseers, however, retained the authority to inspect the condition of and protect the children so placed.²⁹ In 1856 authority was delegated to the institution to bind out the children placed there,³⁰ and in 1867 similar right was given to the Bristol Home for Destitute Children.³¹

Meanwhile, authority had been given to the overseers to bind out children to two other institutions, the Home for the Friendless in Newport and the Providence Shelter for Colored Children.³²

²⁶ See above, p. 114.

²⁷ This was changed to read "parents" in 1840 (*Public Laws, 1839-40*, pp. 1109-10).

²⁸ *Acts and Resolves, January, 1838*, pp. 81-82.

²⁹ *Public Laws, 1846-48*, p. 733.

³⁰ *Acts and Resolves, January, 1856*, p. 122.

³¹ *Ibid.*, May, 1867, pp. 67-68.

³² *Revised Statutes* (1857), Title X, c. 50, sec. 15, p. 137. By these *Revised Statutes* the provisions for the apprenticing of poor children were also included in the chapter "Of Masters, Apprentices and of Factory and Other Laborers," where, in addition to a definition of the classes of poor children who might be apprenticed, were added the regulations for the apprenticeship (*ibid.*, Title XX, c. 139, sec. 5, pp. 326-27). In 1875 this section was amended by adding the provision that these poor children could be apprenticed to any incorporated institution in Rhode Island, Massachusetts, or Connecticut (*Acts and Resolves, January, 1875*, c. 450, pp. 174-75.)

In the revision of 1872 two slight changes were made in the classification of children who might be apprenticed. This provided for those of unsettled parents whom the town thought unable to support their children, who were "unwilling" themselves to bind them out, and also omitted the exclusion of those who paid taxes from the settled poor who were judged unable to maintain their children.³³

In 1904 authority was given to the Board of State Charities and Corrections to bind out children in the state almshouse in "like manner and with like effect" as the overseers of the poor bound out the children under their charge.³⁴

Not until 1926 was the section repealed which gave the overseers the right to apprentice children, and thus apprenticeship taken out of the poor law.³⁵ At the same time specific provisions were made for sending minors to the State Home and School instead of to the State Almshouse.³⁶

Provision for the binding-out of adults was also slow in changing. In 1851 a group was added to those who "lived idly" as provided for in 1798.³⁷ This included those persons who, although earning sufficient means, wasted their earnings and thereby left their families or children as "paupers upon the town." Authority was given to the overseers to apply the wages so earned to the support of the families left destitute.³⁸

After the revision of 1872, this section of the act was no longer found in the statute providing for the care of the destitute, but became a part of the statute³⁹ "Of Masters, Apprentices, Factory and other Laborers," where it remained until repealed in 1926.⁴⁰

³³ *General Statutes* (1872), Title XI, c. 65, sec. 14, p. 151. See above, p. 114.

³⁴ *Public Laws* (January 4, 1904), c. 1141, pp. 2-3. An act had been passed in 1884, establishing a State Home and School and authorizing the Board of State Charities and Corrections to transfer there from the State Almshouse children between the ages of three and fourteen (*Acts and Resolves, January, 1884*, c. 418, secs. 1-7, pp. 152-55).

³⁵ *Acts and Resolves, January, 1926*, c. 841, p. 261.

³⁶ *Ibid.*, c. 842, p. 265. No attempt has been made, here, to discuss special services set up in the state for child welfare, but only to include the provisions of the Poor Law.

³⁷ See above, pp. 114-15.

³⁸ *Acts and Resolves, January, 1851*, p. 5.

³⁹ *General Statutes* (1872), c. 155, sec. 6, p. 341.

⁴⁰ *Acts and Resolves, January, 1926*, pp. 261-63.

RESPONSIBILITY FOR UNSETTLED POOR

While records indicate that the towns gave relief to unsettled poor, there was no statutory authority for this until 1844. At that time a clause was added to the act which gave authority to the overseers to "afford temporary relief to other poor and indigent persons (i.e., in contrast to the poor who had settlement in the town) at the cost of the town."⁴¹

The question of the nature of the obligation of the poor-law authorities in the case of the unsettled poor was raised only as late as 1873.

A decision that year clarified the question of responsibility for the care of a transient who became destitute, Mrs. Sarah Glenn,⁴² who had been formerly employed in the home of Mr. Caswell, in South Kingston, and had then been employed in another state, so that she lost her settlement. When returning to New York, where she had a settlement, she visited Mr. Caswell and fell ill while there, remaining for this reason for several weeks. Twelve days after she came to the Caswell home, he notified one of the overseers of the poor of her presence, saying that she was too ill to be moved and was destitute and in need of care. The overseer had evaded the request, saying that he did not know that he was responsible but would do what he could. However, he neither furnished any care nor authorized Mr. Caswell to employ persons for Mrs. Glenn's care. Later the bills were sent to New York to friends, but no money was received from that source. Mr. Caswell then asked the overseer if the bill should be made out to the overseer or to the town, but again received no definite reply. It was therefore made out to the town council, which refused to reimburse Mr. Caswell. The case was appealed on the grounds that there was a promise to pay implied from the fact that it was the duty of the town to provide for indigent persons, and that upon its neglect and refusal to do so, the plaintiff had discharged the town's duty. The court ruled that, while the law did provide for the town's responsibility to give permanent relief to the settled poor and temporary relief to the non-settled poor, and while it was the over-

⁴¹ *Public Laws* (revision of 1844), p. 342, sec. 2.

⁴² *John H. Caswell v. Thomas T. Hazard, Town Treasurer*, 10 R.I. 490 (1873).

seer's duty to do this, the law does not imply a promise and, without an order of the overseer's, the authorities were therefore not liable to an individual for the cost of relief furnished. As the overseer had an impression that his responsibility lay only with the settled poor, he had given no order. The court further said that, while the town might be liable to public prosecution for failing to perform its duty, it was not answerable to a suit by an individual, and that no one could assume to discharge its duty and bind it to an agreement.

Provision was made in 1872 for the burial of non-residents by the town in which they had died. The "reasonable expenses" of a "decent burial" were to be recovered from the town in which the deceased poor person had had a settlement.

With plans for the establishment of a state almshouse under way, provision was also made at that time for sending there any unsettled person who might become chargeable in a given town. While the state was held responsible for care after the individual had been received at the almshouse, the separate towns were held for transportation to the almshouse.⁴³ It should be noted that the cost of transportation to the workhouse was not laid back on the town, and there resulted, therefore, two practices based on local efforts at economy. The first was that of sending from towns persons really too ill to be transported in order that the town might not be held responsible for the expense of their care. The second was that of sending poor and disabled persons to the workhouse instead of the almshouse.⁴⁴

One other provision, made at that time, enabled the state to recover money expended in relief, from the relatives liable for the support of such kindred. If, however, no relative could be found, the place of settlement, if any were found within the state, was held responsible.

Towns were also given permission to send destitute persons for whom they were responsible to the state almshouse, to be boarded

⁴³ *General Statutes* (1872), secs. 24-25, p. 152. For a discussion of the establishment of the state almshouse and other institutions on the state farm, see below, chap. ix, pp. 208-9.

⁴⁴ For a discussion of these problems see *Annual Reports of the Board of State Charities and Corrections*, 1876, pp. 10, 66; *ibid.*, 1885, p. xix. See also below, chap. ix, pp. 227-29.

there upon such terms as the town and the Board of State Charities and Corrections might formulate.⁴⁵

TRANSPORTATION COMPANIES HELD RESPONSIBLE

Further regulations were made during the nineteenth century with the intent of putting greater responsibility upon those persons who brought into the state, or entertained under certain conditions, anyone who might become chargeable.

Masters of vessels, in 1818, were required to report the names and other specified information concerning their passengers within twenty-four hours of arrival, instead of the earlier forty-eight-hour time limit. Such lists were also to include passengers from ports within the United States, in addition to those from foreign countries. The fine for failure to comply with this act was lowered to fifty dollars,⁴⁶ but was later raised to one hundred dollars.⁴⁷

Increasing strictness of responsibility upon transportation companies at the middle of the century reflected the prevailing attitude of the time toward immigration as well as the desire to avoid responsibility for the destitute.

In 1847 town councils were authorized to require from railroads information similar to that formerly required from steamship companies. Liability for the support of any poor person during the first twelve months of his residence in a given town was at that time placed upon the railroad conveying him there.⁴⁸

By this same act owners, masters, or persons in charge of a vessel bringing passengers into the state, who had within the preceding six months come from a foreign country, were required to give bond as security that no passenger would become chargeable to the town within a year after his arrival. Five hundred dollars was to be forfeited upon neglect or refusal to comply with these provisions. Furthermore, a person who became chargeable within a year after the giving of such bond, to any other town, might be removed to the

⁴⁵ *General Statutes* (1872), Title XI, c. 66, secs. 26-27, p. 152.

⁴⁶ *Public Laws*, 1817-19, pp. 255-56.

⁴⁷ *Ibid.* (revision of 1822), p. 279, sec. 17.

⁴⁸ *Acts and Resolves*, June, 1847, pp. 27-28, secs. 1-4.

town to which the security had been given, under the same rules prescribed for the removal of paupers.⁴⁹

A degree of centralization in the administration of this statute was achieved in 1869, by the establishment of the Board of State Charities and Corrections. The superintendent of the Board was given certain joint authority with the town councils in requiring information regarding passengers brought into the state, while direct responsibility was given to him in certain provisions. Fines or forfeits for failure to make returns of passengers brought into the state within six months of their arrival in the United States, or for failure to support destitute persons, or to return them to the place from which they had been brought, were to be collected by the superintendent and assigned to the use of the state.⁵⁰

This regulation, by 1872, had reached the form and provisions in which it has continued to the present day (1934). To summarize these, it was provided that a person in charge of a vessel with passengers from a foreign country, or from any port in the United States, who, upon request by the agent of the Board of State Charities or the town council, neglected or refused to make a report within twenty-four hours of arrival of the name, nationality, age, character, and condition of his passengers, might be required to forfeit one hundred dollars. Furthermore, he might be required to forfeit five hundred dollars if he neglected to give security that any person whom he had brought in, having come from any foreign country within six months, would not become chargeable to the state within one year. The agent of the Board of State Charities had the alternative, however, of accepting a head tax, of not less than two dollars per passenger, to cover the risk involved in permitting these persons to land.⁵¹ Moreover, if someone became chargeable to any other town in the state, he might be removed to the town to which bond

⁴⁹ A provision for alternative of head tax was included but did not appear in the revision of 1857.

⁵⁰ *Public Laws, 1869-71*, p. 573, sec. 8.

⁵¹ E.g., in 1872 a vessel arrived at Providence with a number of immigrants on board. As the person in charge of the vessel had failed to report, as required, the name, age, and condition of each person landing, action was commenced against the captain. After his arrest, however, he pleaded ignorance of the legal requirement concerned and the

or tax had been furnished in the same manner as prescribed for the removal of paupers.

Both railroad and steamship companies might be required to furnish a list of all passengers brought into the state, with a possible penalty of twenty dollars for each day of neglect.

Both railroad and steamship companies might be held responsible for the support of any passengers who became destitute within twelve months after conveyance into the state as well as for their return to the place from which they had been brought. Refusal or neglect to comply with this order might require a forfeiture of five hundred dollars for the use of the state.⁵²

It is now,⁵³ as it was in 1798,⁵⁴ an offense, for which a forfeiture of one hundred dollars may be exacted, to bring into and leave in any town in the state a person without settlement there who is known to be poor, unless this is done with an order of removal from a town council within the state. A fine of twenty dollars for each offense is an alternative to the forfeiture. This provision, if enforced, could penalize such widely differing situations as that of bringing a destitute relative into the state to be cared for, or the bus-driver who conveyed a person whom he knew to be destitute.

INCREASE OF RESPONSIBILITY OF TOWNSMEN WHO HARBOR "STRANGERS"

Still further effort was made during the nineteenth century to place responsibility upon townsmen for entertaining or "harboring" "strangers" or non-residents of the town. Thus, in 1812, a clearer definition of responsibility and a less obscure interpretation of the earlier act was formulated. In this act were defined the "classes" of "strangers" as well as the groups of townsmen to be held responsible for reporting such entertainment. Responsibility was placed upon

proceedings were discontinued upon his payment of \$152, for the seventy-six persons landed, the total of the required \$2.00 head tax (*Fourth Annual Report of the Board of State Charities and Corrections, 1872, p. 33*).

⁵² *General Statutes* (1872), Title XI, c. 66, secs. 3-10, pp. 153-54; *General Laws* (1923), Title XII, c. 106, secs. 3-10, pp. 503-4.

⁵³ *General Laws* (1923), sec. 1, p. 502.

⁵⁴ *Public Laws* (revision of 1798), p. 357, sec. 16; *General Statutes* (1872), Title XI, c. 66, sec. 1, p. 153.

commercial entertainers as well as on private hosts. Thus "tavern keeper, inn holder, victualler, or any other person whatsoever inhabiting in any town within the state who should entertain or keep in his or her house any single person or family" not legally settled in the state, for more than a week from the time of coming into the town, should give notice in writing to the president of the town council. The penalty for not complying was left at seven dollars, but provision was made for recovering the sum by the town treasurer before any justice or warden.⁵⁵

Although authority was contained in the statute "Of Offenses against Chastity, Morality and Decency" for the punishment of sturdy beggars who should apply for alms or solicit charity or who should go about to beg or receive alms,⁵⁶ attention must likewise be drawn to an act passed in 1877, which, although not a part of the Poor Law, was a definite attempt to aid in the solution of the problem of vagrancy which had increased greatly.⁵⁷ This Act for the Punishment of Tramps provided that an able-bodied man begging from house to house, or otherwise, could be held guilty of misdemeanor and sentenced upon conviction to hard labor for ten days on the highways or other public work. Supervision was to be given by the man in charge of the public work for the town. In addition, every able-bodied person who applied for relief or support to an overseer of the poor in any town might similarly be provided with work for a term not exceeding ten days. During this time, support was to be provided by the overseer. If any of the latter group refused to work, however, they were subjected to trial and conviction in the same manner as those found begging. A second violation of the act carried a penalty of thirty days in the workhouse and house of correction. To aid in the enforcement of the act, the overseers of the poor were ordered to have copies posted on or near every highway leading into the state.⁵⁸

In 1880 changes were made, both in the definition of persons to

⁵⁵ *Public Laws, 1810-14*, pp. 146-47.

⁵⁶ *General Statutes* (1872), c. 232, sec. 24, p. 555.

⁵⁷ See below, chap. ix, pp. 224-25, for a discussion of the extent of this problem in Providence.

⁵⁸ *Acts and Resolves, May, 1877*, c. 646, p. 10.

whom the provisions of the act were applicable and in the penalties to be imposed. At that time was omitted special reference to begging or receiving alms or to application by the able-bodied to the overseers and a general statement made as to "transient persons who rove about from place to place begging." Thus it became more truly a Tramp Act.

However, a special clause was added excluding from the punishment, blind persons, females, minors under sixteen, and "beggars roving" within the limits of the town in which they resided.

The town councils were given authority to appoint special constables to enforce the act, and five dollars reward was provided for each conviction. The penalty then became not less than six months nor more than three years in the workhouse and house of correction.⁵⁹

These provisions were removed in 1882 to the act in regard to "offenses against chastity, morality and decency,"⁶⁰ where they have remained to the present. However, in 1907, "sturdy beggars who appli[ed] for alms or solici[t]e[d] charity" and "every person who (went) about from place to place to beg or receive alms" were again included.⁶¹

An amendment in 1932 changed the penalty to not more than three years in the county jail of Providence. For penalties of thirty days or less, however, the other county jails might be used. Thus rather than a constructive plan for the provision of relief or service to the "sturdy beggar," there still remain the negative and deterrent measures of a past era.⁶²

While, as will be seen later, the findings of the inquiry into the number and conditions of insane and paupers in 1850 resulted in little or no change in the provisions of the law relative to the form and manner of the care of the poor, some effort to provide a method for placing a check upon the administrative responsibility of the overseers may be traced to that report.⁶³

⁵⁹ *Ibid.*, January, 1880, c. 806, pp. 110-11.

⁶⁰ *Public Statutes* (1882), Title XXX, secs. 22, 26, 27, 29, 31, 32, pp. 688-89.

⁶¹ *Acts and Resolves*, January, 1907, c. 1447, p. 54.

⁶² *Public Laws*, January, 1932, c. 1902, p. 169.

⁶³ See below, chap. ix, pp. 195-205, for a discussion of the contents of this report.

ATTEMPT TO ASSURE BETTER CARE FOR THE POOR

This was shown by an act passed in 1851 providing that any person who believed that a pauper was not being suitably cared for by the town responsible for his care might give five days' notice to an overseer or commissioner⁶⁴ to give the proper care. If there was continued neglect, the person who had "ordered" the adequate care might then give a written complaint of the nature of the neglect to the supreme court during term time, or to a justice⁶⁵ in vacation. The court, after notifying the town of the existing complaint, had authority to appoint a commission of not exceeding three persons, whose duty it was to investigate the charges and report to the court upon the facts alleged in the complaint. If the charge of inadequate care was substantiated, the court had authority to order the town "forthwith" to provide proper care either in the poorhouse or in some private family. Refusal or neglect on the part of a town to comply with the court order for a space of ten days after its issuance carried a penalty of a fine of not more than fifty dollars.⁶⁶

In 1857 this act was so revised as to clarify and define more exactly the proceeding and the responsibility for the costs. The penalty for refusal or neglect to carry out orders of the commission was increased to not less than fifty dollars or more than three hundred dollars. At that time it was specified that, if a complaint was found justified, the fees for the commissioners should be paid by the town complained of. If, however, the charges were not substantiated, but if there was "probable cause" for making them, the general treasury or the state was held responsible for the expense. On the other hand, if "probable cause" was not admitted or shown, the complaint was to be ordered dismissed and the complainant ordered to pay all expenses of the proceeding. While the inadequacy of placing the responsibility for supervision upon a private citizen without official authority is obvious, especially with the danger of

⁶⁴ The inclusion of the term "commissioners" would seem to imply that the act was intended to apply to care in almshouses as well as in private homes—"commissioners" being the title commonly given to the administrative body of the almshouses.

⁶⁵ See below, chap. vii, p. 151. Provision for appealing to a justice in vacation time was omitted in 1872 (*General Statutes* [1872], Title XI, c. 65, secs. 18-23, pp. 151-52).

⁶⁶ *Acts and Resolves, June, 1851*, pp. 4-5.

having to pay for his interest, in case the commissioner decided that he had complained unjustly, another reason was found for rescinding the act.⁶⁷

In 1901 the act was declared unconstitutional. Mr. Crandall⁶⁸ had been cared for on the town farm at South Kingston. The authorities became convinced that he could maintain himself and therefore, as he was causing discontent among other inmates by telling them that they did not have to work, he was removed from the institution. A complaint was issued that as a pauper he had been neglected by the overseers of the poor in South Kingston, in that he was not properly fed or clothed and that, having been driven from the town farm, he was left in a destitute condition. The commission, appointed under the provisions of the statute, after an investigation of the facts, reported that Mr. Crandall was a legal resident, without property or means of support, and, although his removal from the asylum was partially justified by his misconduct, it was a question as to whether this was not a cause for discipline rather than removal. The judgment was that the overseers had neglected their duty and that the complaint was well founded, whereupon the fees and costs of ninety dollars were assessed against them. The case was, however, appealed by the overseers upon the plea that the judgment was unconstitutional on three counts: it violated the constitutional right of trial by jury; it deprived the defendant of property without due process of law, and the legislature could not give to the commission the authority to determine finally questions involving rights of property or liberty without providing for judicial determination as to the reasonableness of their action. The Supreme Court rested its decision upon this last point, saying

We do not intend by what we have said to reflect in any way whatever upon the manner in which the commission tried and decided the questions before them. It was composed of men who were well fitted for the duties devolved upon them under the statute, and we have no doubt that those duties were intelligently and faithfully discharged. But as they did not constitute a judicial tribunal their finding was of no avail; and, as the finding was practically final, to

⁶⁷ *Revised Statutes* (1857), Title X, c. 50, secs. 20-25, pp. 138-39.

⁶⁸ *Joseph C. Church, Overseer of the Poor v. Town of South Kingston*, 22 R.I. 381 (1901).

enforce it would clearly be to deprive the defendant of its property without due process of law. We therefore decide that said statute is unconstitutional and void, and the proceeding in question be, and the same is, hereby quashed.

STATE RELIEF FOR CERTAIN GROUPS OF THE POOR

In 1912 and 1914 several steps were taken toward the centralization of the administration of relief of certain groups of the poor. The first of these gave authority to the state probation officer, with the approval of the Board of State Charities and Corrections, to assist the destitute family of a man serving sentence for non-support.⁶⁹ Two years later the agent of the Board of State Charities and Corrections was given power, with the approval of the Board, to contribute to the support of the destitute family of an adult resident committed to any of the state institutions at Cranston, whenever their destitution resulted from this commitment.⁷⁰ This raised the question of the relationship between the state and local units in the administration of relief to the poor.

While, on the one hand, these provisions would seem to offer more adequate care for the groups concerned, there is a diffusion of responsibility indicated in that state funds administered by state officials may be used in relief of certain forms of destitution, along with the Poor Law provision for local administration by the overseers. It is conceivable that public funds from the two sources, administered by two officials, might be coming into one family at the same time. An effort to avoid actual duplication of visiting in homes, however, is indicated by a plan of administration whereby this money may be paid through some public or private service already provided. Thus "often when a family lives out of the city the money is paid through the Director of Public Aid of the city or town, thereby saving the family the carfare to the state House. If an organization is keeping a family also being aided by the commission, state aid is paid through the organization."⁷¹ This raises the question of

⁶⁹ *Acts and Resolves, January, 1912*, c. 777, p. 46.

⁷⁰ *Ibid.*, *January, 1914*, c. 1052, p. 83. (These are not a part of the poor law.)

⁷¹ *Fourth Annual Report of the State Public Welfare Commission, January, 1927*, p. 207: "Report of Fiscal Agent." For the fiscal year ending June 30, 1933, a total of \$10,499.87 was expended under this provision in the aid of 110 cases (*Eleventh Annual Report of the State Public Welfare Commission, January, 1934*, pp. 8-9).

subsidy by state funds to private agencies with the dangers accompanying a violation of the principle of the expenditure of "public funds by public officials."

INMATES OF STATE ALMSHOUSES MAY BE
BOARDED OUTSIDE

Of even more far-reaching implications was the provision in 1914 for the care in private homes for the inmates of the state almshouse. Under this act⁷² the Board of State Charities and Corrections was given the right to place any "inmate of the state almshouse at board in a suitable family in this state or elsewhere" under the supervision of the agent of the Board. The cost of this care was to be collected from the person's estate, if such there was, or from persons responsible for his support. If, however, these were lacking, funds from the state appropriation for support of state institutions were to be used.

One further statutory provision must be mentioned, which, although not in the poor law, may be included as a deterrent to the acceptance of relief. Rhode Island is today one of fourteen states which disfranchises the so-called pauper.⁷³ While it is not germane to this study to trace the changes and developments in the rights to the franchise, it is of interest to note that this disqualification was not included at the beginning of the nineteenth century, when the right to vote was based upon property ownership of or above designated value.⁷⁴ The constitution, as adopted in 1842, however, not only included the property and residence qualifications,⁷⁵ but also distinguished certain groups from whom the right should be withheld. These groups included paupers, lunatics, persons non compos mentis, persons under guardianship, or members of the

⁷² *Acts and Resolves, January, 1914*, c. 1069, secs. 4-5, pp. 107-8.

⁷³ Carl Heisterman and Paris Keener, "Further Poor Law Notes," *Social Service Review*, VIII (1934), 43.

⁷⁴ *Public Laws* (revision of 1798), p. 114. "Rhode Island has one of the most complex systems of voting laws of any state in the union, and it is doubtful if any other voting unit in the world has as many different kinds of voters as the constitution and laws of this state provide for" (William H. Taylor, *Legislative History and Souvenir of Rhode Island* [Providence: Freeman & Sons, 1900], p. 220).

⁷⁵ "Constitution of the State of Rhode Island," Art. II, secs. 1-2, *Public Laws* (revision of 1844), pp. 46-47.

Narragansett tribe of Indians and persons convicted of bribery or of any crime deemed infamous by the common law. Thus destitution was placed with mental incompetence and crime in the civil relationship.⁷⁶

As a means of clarifying these provisions the general assembly formulated, in 1843, the definition of a pauper as "any person who [should] have received aid or assistance from any town or city for the support of himself or whose wife or child under lawful age shall have received such aid or assistance any time within one year from the time that his name should have been placed on the registry book."⁷⁷

The possible confusion over local interpretation of "aid or assistance" is apparent. The question as to whether this should apply only to pecuniary relief, or whether medical or other forms of service should be included, has not been answered by statute, judicial decision, or by formal opinion of the attorney-general.

Dangers were seen as early as 1863, when a special act⁷⁸ was passed authorizing designated towns to raise and appropriate money for families of men mustered into the army or navy. In order to prevent misinterpretation at that time, a special clause provided that no one receiving money under this act should be considered a pauper.

Similar questions have arisen in relation to the administration of unemployment relief at the present time.⁷⁹ While there has been no written opinion given by the attorney-general, it has generally been interpreted as not to be applied to the recipient of this fund. The right of a state to disfranchise for the assistance rendered through federal funds is also an issue here.

With the present combination of administration of unemployment relief with that of local poor relief in at least twelve of the local units in Rhode Island (September, 1934), opportunity for some confusion

⁷⁶ *Ibid.* sec. 4, p. 48.

⁷⁷ *Acts and Resolves, June, 1843*, sec. 4, p. 83. A slight change the following year affected only the question of time by the provision that this aid should not have been received at any time within a year prior to the time the person proposed to vote (*ibid.*, *January, 1844*, sec. 19, p. 480).

⁷⁸ *Public Laws* (3d suppl., 1863), c. 460, p. 254.

⁷⁹ See below, chap. x, pp. 244-45.

arises on two bases.⁷⁹ One of these is indicated above in regard to the uncertainty over the possibility of disfranchisement upon the acceptance of emergency relief. The other is based upon the uncertainty as to the acceptance of responsibility for individual cases as divided between the two relief services.

An effort has been made in this chapter to trace the development, during the modern period, of the statutes providing for poor relief. The methods used by the officials responsible for the administration, in order to provide economical and satisfactory forms of relief, remain to be discussed.

CHAPTER VII

THE MODERN SETTLEMENT LAW: PROVISIONS FOR REMOVAL

No phase of public provision for the poor has led to more inadequate service to persons in need or to more wasteful expenditure of time and money in litigation than the now outmoded regulations designed to base eligibility for relief upon a prescribed period of residence. Reference has been made in the preceding chapter to the emphasis placed by Rhode Island legislation upon measures defining the responsibility for the relief of destitute persons. Fundamental to this legislation are the regulations for acquiring settlement and, growing out of these regulations, the directions for the removal of several groups of non-settled persons.¹ The development of these principles during the colonial period has been noted, and an effort will be made in this chapter to trace the development in these statutory provisions in modern times and to examine the judicial decisions in which controversial questions were discussed. Some attention will then be given to the methods used by the local units in administering these provisions.

The conditions for acquiring settlement were dealt with as a topic, separate and distinct from other poor law provision, in the legislation prior to 1857, when the two sets of provisions were combined in an act entitled "Of the Settlement and Support of Paupers and the Prevention of Pauperism," to which attention was given above.² There was, however, but little change in the substance of the legislation from the beginning of statehood, or, in fact, from the Settlement Act of 1748, until 1929.

¹ Although the regulations for the removal of unsettled persons are contained in the section of the statute providing for relief of the poor, rather than that defining settlement, they will be discussed in connection with settlement provisions because of their dependence upon it and their association with it in the cases cited.

² See above, chap. vi, pp. 111-16.

REQUIREMENTS FOR SETTLEMENT AT BEGINNING
OF STATEHOOD

At the end of the eighteenth century, when the earlier colonial statutes were assembled and codified, certain of the acts having to do with the support of the destitute and with the definition of the rights of legal inhabitancy were brought together in "An Act Providing for the Relief, Support, Employment and Removal of the Poor." At the same time provisions for gaining a settlement were set out in "An Act ascertaining what shall constitute a legal Settlement in any Town in this State."³

Taking up first the settlement of an adult, it will be noted that the chief emphasis was upon property ownership, reflecting the attitude so long prevalent in Rhode Island. The first of these regulations provided that any person twenty-one years of age possessing an estate of inheritance or freehold, in the town wherein he dwelt, with a yearly income of twenty dollars and taking the rents and profits therefrom, for three successive years, thereby gained settlement. Second, a person twenty-one years of age, owning an estate valued at two hundred dollars, upon which he paid taxes for five years, successively, in the town in which he dwelt, gained settlement. Finally, a person of legal age, who resided ten years in a town in which he paid all state and town taxes (poll or estate) for a period of five years, thereby gained settlement.

Derivative settlements were gained by married women and by children, both legitimate and illegitimate. A married woman took the settlement of her husband, if he had any, in Rhode Island or in any other state in the United States. If not, the woman retained her settlement at the time of marriage, and the husband took the wife's settlement.

Legitimate children were given the settlement of their father, until twenty-one years of age, if the father had settlement in the United States. However, if the father had no settlement, before the children reached the age of twenty-one, they took the settlement of their mother. Illegitimate children took the settlement of their mother at the time of birth, but neither legitimate nor illegitimate

³ *Public Laws* (revision of 1798), pp. 345-47, secs. 1-2.

children gained settlement at birthplace, if neither parent had settlement there.

Settlement of a minor apprentice who had served a term of four years outside of the jurisdiction in which his parents had settlement was acquired, if he had reached the age of twenty-one years, by setting up in "lawful trade" within three years after the expiration of his period of apprenticeship, and continuing to carry on this trade for five years. However, being hired as a journeyman was not to be considered as "setting up" in trade.

The final provision of the act stated definitely the common-law precedent that a "legal settlement when gained [should] continue until lost or defeated by gaining a new one." Thus it will be seen that Rhode Island made no provision for loss of settlement by an absence of a certain number of years.

The provision for acquiring a settlement after ten years' residence, accompanied by payment of town and state taxes for five years, was repealed in 1804.⁴ Thus were established the principles of property ownership, birth or marriage, as a basis for settlement, which principles continued with a few minor changes until 1929.⁵

By an addition to the act in 1815, a person who had been removed from a town by order of the council was prevented from later gaining settlement, without the consent of the town council,⁶ either through ownership of property or in any other way.

TWENTIETH-CENTURY PROVISIONS

In 1929 a change was made which lowered the requirements for gaining a settlement, but which still left Rhode Island the most difficult state in the Union in which to gain residence. At that time

⁴ *Ibid.*, February, 1804, p. 105.

⁵ To the provision for settlement by income of twenty dollars from property or by ownership of an estate valued at two hundred dollars was added the clause that these amounts must be over and above any incumbrance or mortgages (*ibid.* [June, 1805], pp. 123-24). The term of apprenticeship after which a trade could be set up and settlement thereafter acquired was reduced to three years (*ibid.* [revision of 1844], p. 341). In a case in which the circumstances do not concern the care of a destitute person, a judicial decision was made in 1885 that an equitable interest in an estate carries the same right as a legal interest for the purpose of acquiring settlement (*Andrew J. Smith v. Vashti H. Angell et al.*, 14 R.I. 192 [1885]).

⁶ *Public Laws*, 1814-17, p. 212.

continuous residence of ten years without having received public or private aid was made a basis of settlement. Thus "every person of not less than twenty-one years of age, having resided in a town of this state continuously for a period of ten years and not having received aid through public or private agency, shall thereby gain a settlement therein."⁷ With the lowering of this period of residence to five years in 1934, there came to an end the long era of excessive limitations upon the acquisition of settlement in Rhode Island. However, an additional clause introduced a new element in the statute which provided for the loss of settlement after a continuous period of five years' residence elsewhere, even though a new settlement had not been gained.⁸

To summarize the means, in addition to the foregoing residence qualifications, by which a settlement may be gained will indicate how archaic most of these provisions are today.

Certain property qualifications still form one basis. First, payment of taxes for five successive years upon real estate valued at two hundred dollars in a town in which the person over twenty-one years of age dwells; also, ownership of property in the town in which a person of twenty-one years dwells, which brings an annual income of twenty dollars above any mortgage, together with the taking of any rents or profits for three successive years, regardless of living upon the property forms another qualification.

Marriage forms another basis: first, the woman taking the settlement of her husband, if he has one within the state; if not, the wife retains her own, which is also taken by the husband. Legitimate children take the settlement of their father, or, if he has none in the state, that of their mother. Illegitimate children take that of their mother at the time of their birth.

⁷ *Acts and Resolves Passed by the General Assembly of the State of Rhode Island and Providence Plantations January, 1929*, c. 1364, p. 207 (hereafter referred to as *Acts and Resolves*). By an opinion of the attorney-general, May 20, 1929, the ten-year period was not to begin with the passage of the act, but a person who had lived for ten years without relief had thereby gained a settlement. It was held, moreover, not to apply to persons already under care, but only to new applicants for aid. Continuous residence was interpreted to mean that immediately prior to request for help. It was not retroactive in relation to present wards of state institutions (rulings of the attorney-general are not printed; this information supplied by State Public Welfare Commission).

⁸ *Ibid.*, 1934, c. 2114, secs. 1-3, p. 170.

The most obsolete provision of this statute is that which gives settlement to an apprentice, who, following a term of three years' apprenticeship in a given town, being then twenty-one years of age, sets up a business therein within five years after its expiration and continues this business for five years.⁹

In spite of the many regulations for gaining settlement, questions often complicated and obscure were left unsettled, which necessitated their solution by judicial decisions. Although early town and general-assembly records indicate frequent appeals to the supreme court in relation to disagreement concerning the responsibility of towns where a settlement was questioned, no reports of decisions affecting the legislation or its interpretation are available until after the beginning of the printing of these cases in 1834.¹⁰ With so strong a feeling of local responsibility as prevailed in Rhode Island, the wonder is that so few cases were appealed after that date. However, the law is definite in its rigidity, and the long period of its existence had probably firmly established the precedents for enforcement.

However, in a few cases all prior to 1875, decisions were rendered which aided in the interpretation of certain abstruse provisions of the act.

LITIGATION IN REGARD TO SETTLEMENT DERIVED FROM PLACE OF BIRTH

Among the complicated questions left unsolved by the legislation were those having to do with settlement derived from birth. One such was further confused by the uncertainty in regard to the right of the child of a former slave to acquire settlement in that manner, and by the responsibility of a former master for the support of a manumitted slave.

Pruda Tillinghast, on becoming destitute, was removed by Warwick to Exeter, where she had been born and where her father, a former slave, had for thirty years owned property, paid taxes and

⁹ *General Laws* (1923), Title XII, c. 104, pp. 496-98.

¹⁰ There was actually no printing of cases until 1847, at which time authorization was given to print such as had available written opinions. The first one included in the volume printed at that time was of 1834. See "Advertisement," in 1 *Rhode Island Reports* iii-iv.

been treated in every way as a freeman.¹¹ Exeter objected to the removal and denied responsibility for Pruda's support.

Upon appeal, the court ruled, however, that Pruda had a settlement in Exeter by birth, by the settlement of the freehold of her parent, and by her consequent failure to gain a settlement elsewhere. The court refused to consider any argument concerning the right of a former slave to gain settlement, holding that the treatment of Mr. Tillinghast, as a freeman, by Exeter answered that question. As, furthermore, it was not a former slave, but the freeborn daughter of one, who was destitute, there was no responsibility of the former master for support.¹² As all persons born in Rhode Island after 1784 were free-born, the slavery issue in no way affected the condition of Pruda. Exeter was, therefore, held to be responsible for her support.

The case of Mary Ann Hill and her daughter involved the question of the right to acquire settlement by birth, as well as that of the right of a married woman to take the settlement of her husband.¹³ Mrs. Hill and her daughter had been brought from West Greenwich to Exeter by an order of removal. The husband of Mrs. Hill had been born in West Greenwich but had acquired no settlement there, while his father's place of settlement was Exeter. An appeal was made by Exeter from this order of removal on the ground that place of birth gave precedent as a means of acquiring settlement. The court held, however, that the place of settlement of the father became the place of settlement of the children until another one was obtained. The husband of Mrs. Hill had at no time gained a settlement elsewhere than that of his father, therefore the town in which the father had settlement became that of the son's wife and was responsible for the support of the wife and child. Thus a family might be uprooted from a community in which it had always lived and taken from all of its ties to a place in which it had never lived, because of the legal responsibility involved for its support.

¹¹ *Town of Exeter v. Town of Warwick*, 1 R.I. 63 (1834).

¹² *Public Laws* (revision of 1798), p. 611: "An Act Relative to Slaves and to Their Manumission and Support," sec. 11.

¹³ *Town of Exeter v. Town of West Greenwich*, 1 R.I. 70 (1834).

THE SETTLEMENT OF IDIOTS

In the case of the litigation concerning Mary and Deborah Latham,¹⁴ two questions were involved, one of which, having to do with the form of "removals," will be discussed in connection with that subject.¹⁵ The point of importance in regard to settlement is that of the manner of gaining settlement by idiots. Two idiot children—Mary in 1805, Deborah in 1809—were born in Smithfield while their father had a settlement there. He later moved to Gloucester, where he was living when Mary reached the age of twenty-one. However, he returned to Smithfield and regained settlement, which he held at the time Deborah reached the age of twenty-one. It was argued here that an idiot cannot gain a settlement of its own and therefore always follows the settlement of the father, at no matter what age the father's settlement changes. In case of normal persons, however, through the law of emancipation, the settlement of the father at the time the child reached the age of twenty-one remained the child's until it gained one elsewhere. The court ruled that as Rhode Island did not recognize the rule of emancipation, idiocy in no way affected the statute. The child, therefore, when it became twenty-one, retained the settlement which the father had. In this case, then, one daughter, who had reached this age at Gloucester, was settled there, while the other one had a settlement at Smithfield, each town therefore being responsible for the support of one of the daughters.

A WIFE TAKES THE SETTLEMENT OF HER HUSBAND

Another case in which the decision as to the town responsible for the care of a destitute woman depended upon the establishment of the settlement of her husband was that of Sarah Hood.¹⁶ The particular issue in that case was the interpretation to be placed upon the phrase of "settlement in this or any of the United States." Mrs. Hood had lost her settlement in West Greenwich upon her marriage; but Warwick attempted to prove that she retained this because of her husband's lack of settlement in Rhode Island. Mr. Hood's father had taken the settlement of his father in Massachusetts, and al-

¹⁴ *Gloucester v. Smithfield*, 2 R.I. 30 (1851).

¹⁵ See below, p. 147.

¹⁶ *West Greenwich v. Warwick*, 4 R.I. 136 (1856).

though Mr. Hood had lived in Providence, there was no evidence of his ever having gained a settlement in that or any other town in Rhode Island. At the time of his marriage, therefore, he had the settlement of his father in Massachusetts. The Massachusetts statute provided, furthermore, that even if a resident of a town in Massachusetts gained a settlement in another state, he retained his original settlement in that state until he gained another one within the state.¹⁷ It was, therefore, unnecessary to prove that he had gained a settlement in Rhode Island, in order to establish the settlement of his wife, as she took the original settlement in Massachusetts, which was also responsible for her care, and not the place of her birth. The town of Warwick, then, which had removed Mrs. Hood to West Greenwich, was held to be responsible not only for the cost of her removal but for the cost of her care while she had been in West Greenwich. It should be noted that this was not on the basis of any settlement in Warwick, but because it, as a town responsible for the care of destitute persons within its borders, had removed her to a town which was in no way responsible for her care.

A similar problem was found in the case of Sally Bray and her infant child.¹⁸ Mrs. Bray had gained a residence in Sterling, Massachusetts, through her marriage to a man settled there, at the same time losing her former residence in Exeter. She had, furthermore, retained the Massachusetts settlement during her second marriage to an alien with no legal residence in the United States. While living in Richmond she became destitute and was sent to Exeter on an order of removal by Richmond. Exeter appealed against this order and the court upheld the complaint. The decision stated that Richmond had erred in removing Mrs. Bray to Exeter, by misconstruing the phrase providing for removal to a town "within this state to which he lawfully belongs." This did not mean, in the opinion of the court, that a town in Rhode Island could be held responsible for one of its destitute persons who had later on gained a settlement in another state. The provisions for removal, however, could operate only

¹⁷ This principle held in both the neighboring states of Massachusetts and Connecticut (John Cummings, *Poor Laws of Massachusetts and New York*, p. 36; Edward Warren Capen, *The Historical Development of the Poor Law of Connecticut*, p. 134).

¹⁸ *Exeter v. Richmond*, 6 R.I. 149 (1859).

within the state, and "last legally settled" should be applied only where no other settlement in any state had been gained, even though the person had returned to the state in which she had formerly had a settlement.

CERTIFICATE OF INHABITANCY PROOF OF SETTLEMENT

The practice of the granting of certificates by a town in acknowledgment of responsibility for a resident who moves away has already been discussed in relation to the colonial period¹⁹ and will be discussed later in this chapter for the nineteenth century.²⁰ The question as to the place of these certificates as proof of place of settlement was settled by a case in 1856, although the certificate used as evidence had been granted in 1795.

Caesar Clark was removed by order from Warwick to East Greenwich upon his becoming destitute.²¹ Mr. Clark, a colored man, had no legal residence of his own in the United States; therefore, being married, he took the settlement of his wife, which necessitated the establishment of her place of settlement. Evidence accepted in court when East Greenwich appealed from the order of removal consisted of a certificate of inhabitancy granted by the town council of East Greenwich to Winsor Fry, the wife's father, in 1795, and a town record showing the indenture of a grandson of Mr. Fry "lawfully settled in this town." As the daughter, Judith, had been living in East Greenwich at the time of her marriage to Clark, the court held that she had the settlement of her father, which became the husband's at the time of marriage. East Greenwich was therefore responsible for his support.

DIVISION OF TOWN IN RELATION TO SETTLEMENT

Problems in regard to responsibility for the destitute also arose in relation to the division of territory in the making of new towns. Daniel Hutchinson,²² born in Smithfield, where he derived settlement from his father, later moved to the territory subsequently be-

¹⁹ See above, chap. iii, p. 52, 54.

²⁰ See below, pp. 152-53.

²¹ *East Greenwich v. Warwick*, 4 R.I. 138 (1856).

²² *Obed Paine, Overseer of the Poor of North Smithfield v. The Town Council of Smithfield*, 10 R.I. 446 (1873).

coming North Smithfield, but which at the time of his residence was still a part of Smithfield. Upon becoming destitute in Smithfield, to which town he had returned, he was removed to North Smithfield. Provision had been made in the act by which the town was subdivided that the town of North Smithfield should be responsible for the relief of all persons who had settlement in the territory which was included in its boundaries.

When an appeal was made by North Smithfield from the order of removal, the court held that Mr. Hutchinson, however, held the settlement gained in Smithfield from his father. The decision was based on the argument that he could not have gained a settlement in North Smithfield at the time of his residence there because it was at that time a part of Smithfield and no settlement could be lost or gained by moving from one part of town to another.

OVERSEERS HAVE NO RECOVERY FOR STATE CARE CONTRACTED
FOR RESIDENTS OF ANOTHER TOWN

Several questions arose in the case of Edward Durfee.²³ One of these, the right to use an order of removal from which no appeal has been made as evidence of settlement, will be discussed in relation to legislation regulating an order of removal.²⁴ The other problem was that of the right of a town to collect payment for a pauper which it has irregularly committed to a state hospital. This case offers a good illustration of the complexities encountered in proving settlement when there has been frequent moving, and for that reason the details of the case will be included here.

Mr. Durfee was born in Tiverton, in a part of it which, by the time this case was considered, had been included in the boundaries of Fall River. His father had been born in a part of the town still included in its original territory and had a legal settlement there, until he moved to the place where his son was born. However, he later deserted the family and returned to his former residence. The son, who is under consideration in this case, continued to live in the Fall River part of the town until he reached manhood, when he went to various places in Massachusetts and lived there for periods of

²³ *Town of Tiverton v. Town of Fall River*, 7 R.I. 182 (1862).

²⁴ See below, p. 148.

several years. However, he later returned to his birthplace, where he paid taxes and received income from his property for eight years. He was then found "at large" in Tiverton and sent to the poorhouse there as an insane person, where he remained for one year. On his dismissal he continued to live in Tiverton for four years, improving his property; at the end of which time he sold it and moved with his family to Massachusetts, where he was again adjudged insane and committed to the hospital at Taunton, Massachusetts. After being discharged from that hospital, he was once more found at large in Tiverton and removed by order of removal to Fall River, which was decided upon as his last place of legal residence in the state of Rhode Island. As this order was never appealed from, as provided for by statute in case of disagreement over place of settlement, Fall River was now estopped from contending that it was not the place of his residence. Having again been found in Tiverton, he was sent by that town to Butler Asylum. Tiverton then sought to recover the costs for his care from Fall River and appealed the case for this purpose. The court ruled that while the town might have returned Mr. Durfee to the place of legal settlement—Fall River—its overseers had no right to contract for state care for a charge of another town, as the town placing a lunatic pauper through its overseers is solely responsible for the costs.²⁵

One other case which, while not directly an issue of settlement in relation to the care of the poor under the "Act Providing for the Settlement and Support of Paupers and the Prevention of Pauperism," is of interest because of the issues involved.

CHILD HAS RIGHT TO CONTINUANCE OF CARE BEGUN
WHILE PARENTS ARE RESIDENTS OF THE STATE

This was referred by Governor Dyer in 1857, asking for the opinion of the justices upon the relation of the settlement of parents to the right of children to receive care in a state institution.²⁶ In this case the child had been sent to the institution during the time the parents were legal residents of Rhode Island. Meanwhile they had moved

²⁵ It should be noted that if Mr. Durfee had been committed by the justices of the peace rather than the overseers of the poor, it would have been possible to recover costs (*Revised Statutes* [1857], c. 53, secs. 1-3, 11).

²⁶ 4 R.I. 587 (1857), no names given.

from the state, and the question concerned the right of the child to continue as a state responsibility. The justices decided that the child still had the right to this care, but based their opinions upon different reasons. Three of them ruled that the required qualification of inhabitancy referred only to the time of selection as a beneficiary, therefore subsequent changes had no effect. The other judge based his opinion on the belief that, although in his judgment continued inhabitancy was a necessary requirement, the beneficiary continued to have the domicil she had at the time of appointment to state aid, regardless of her parents' change in residence, unless she herself elected to change it.

Reference has been made to the emphasis placed by the statute upon the methods adopted to avoid responsibility for the care of the destitute rather than upon methods for providing adequate care. And as responsibility was definite for the settled poor, one of the chief means of preventing chargeability was the provisions defining the circumstances under which unsettled persons might be removed from the towns in which they were living and the methods by which this was to be done. These regulations distinguished between the "chargeable" or potentially chargeable and the "unsuitable" persons as well as between those not settled in the state of Rhode Island and those not settled in any of the United States.

REMOVAL OF THE UNSETTLED POOR

Penalties for refusing to go when ordered out, or for returning without permission after having been removed, varied also between and among these groups. It is interesting to note, in this connection, the development of the idea that the towns should be held responsible for the enforcement of these regulations rather than placing individual penalties upon a person for wishing to live where it seemed most desirable.

From the beginning, the distinction was recognized, of course, between intrastate and interstate problems, i.e., between the degree of governmental responsibility that should be exercised in enforcing orders of removal when the issue was between or among townships within the state and that possible of exercise where the issue was between separate states. In the latter case, if orders were to be enforced

at all, it could be accomplished only by the imposition of individual penalties, at any rate until the reciprocal agreements between and among states had been made. It should be noted that the constitutionality of these agreements has been questioned.²⁷

The overseers of the poor were made responsible for complaining to the town council of a person who was not legally settled who had, or seemed likely to, become chargeable. If action for removal of such person seemed necessary sooner than permitted through a regular council meeting, the town sergeant might be requested to call a special meeting to consider the case and to decide upon the place of legal residence of the pauper or the potential pauper. This procedure was provided for by empowering the council "to enquire either by oath of such poor person or otherwise, in what town he was last legally settled, and upon the best information they can obtain, to adjudge and determine to what town or place he lawfully belongs or in what place he was last legally settled."²⁸ Furthermore, the council might then order the removal and delivery of such person (with his family) to the overseer of the poor in the town decided upon as responsible for his care. A penalty of twenty dollars was placed upon the overseer who refused to accept the charge, which sum was to be used for the care of the poor in the town collecting it.²⁹ The town sergeant or constable had authority to go into any town in the state to execute an order of removal, and refusal or neglect on the part of these officers to carry out such an order carried a fine of twenty dollars.³⁰ No change was made in these regulations until 1844,³¹ when the penalty placed upon an overseer for refusing to receive a poor person delivered to him was increased from twenty dollars to fifty dollars, at which amount it has remained to the present day.³²

²⁷ Carl Heisterman, "Removal of Non-resident State-Poor by State and Local Authorities," *Social Service Review*, VIII (1934), 289-301.

²⁸ The mayor of Providence was given like authority in 1842, having the right to set the penalty in those cases for which penalties were provided (*Acts and Resolves, June, 1842*, p. 10).

²⁹ *Public Laws* (revision of 1798), pp. 352-53, sec. 8.

³⁰ *Ibid.*, p. 355, sec. 10.

³¹ *Ibid.* (revision of 1844), p. 346, sec. 8.

³² *General Laws* (1923), Title XII, c. 106, sec. 15, p. 505.

"UNSUITABILITY" A CAUSE FOR REMOVAL

In 1803 a special act gave authority to the town councils to order out a person not having settlement in any town within the state regardless of his not having appealed for help, if the council considered him likely to become chargeable or merely thought him an unsuitable person to become a resident. Upon realization that the town had no power to enforce this act, a penalty for refusal to comply was placed upon the individual, who might be fined not to exceed seven dollars or in default whipped not to exceed twenty-nine stripes.³³ An amendment in 1826 provided for alternative penalties of commitment to the workhouse, bridewell, or asylum, with close confinement at hard labor.³⁴ The penalty of whipping was repealed in 1838.³⁵ The right to commit at town expense such offenders to the state jails situated in the respective counties was added in 1862.³⁶ After 1872 no individual penalty was continued, nor in fact was there any longer distinct provision for the removal of persons outside the state.³⁷

Decisions rendered in two cases appealed in the 1850's clarified certain aspects of the provisions for the orders of removal. As both of these cases are discussed in full elsewhere, only such phases as are pertinent to the question of removal will be stated here.

AN ORDER OF REMOVAL MAY INCLUDE MORE
THAN ONE PERSON

The first of these cases involved the right to remove two persons on one order.³⁸ A move had been made to quash the proceedings on the basis that two persons whose settlement depended upon different facts and evidence and therefore possibly chargeable to different localities were included in the same order, whereas the statute said "any person" and so contemplated the removal of but one individual. The court ruled, however, that English precedent

³³ *Acts and Resolves*, 1803, p. 99.

³⁴ *Public Laws*, 1825-27, pp. 642-43, sec. 2.

³⁵ *Ibid.*, 1837-39, p. 1029, sec. 2.

³⁶ *Ibid.*, 1861-63, c. 395, p. 165.

³⁷ *General Statutes* (1872), Title XI, c. 67, sec. 26, p. 156.

³⁸ *Glocester v. Smithfield*; see above, p. 140.

had established the right to include any number of persons in one order, even though, because of the difference in circumstances, the order might be confirmed in regard to some of those persons and reversed in regard to others.

SETTLEMENT ESTABLISHED BY UNAPPEALED ORDER OF REMOVAL

The other case concerned the importance of an order of removal as proof in establishing the place of settlement. The court ruled, here, that an order of removal from which no appeal was made by the town to which the poor person had been removed was conclusive evidence of settlement. Furthermore, no later evidence could be introduced to refute that given at the time of removal, which evidence had to do with the residence of the person at that time.³⁹

TOWN TO WHICH A PERSON IS CHARGEABLE RESPONSIBLE FOR CARE GIVEN

In 1865 the statute was so amended as to place greater responsibility upon the town to which a person was chargeable. Thus it was provided that notice of responsibility should be given by the overseers of the poor in the town in which a person had become destitute to the overseers of the town in which he had a settlement. If no provision was made within three days by the town responsible for the maintenance or removal of the person so reported, that town could be held liable for all future expenditures in his behalf.⁴⁰

"UNSUITABLE" PERSON RIGHT TO BE HEARD

As has been indicated above, the town councils also had power to remove all persons of "bad fame and reputation" or who were "unsuitable" to become inhabitants. Moreover, if such persons had no legal settlement in any of the United States, and upon being "warned out" did not go within a "reasonable" length of time, they might be bound for a year to any citizen of the United States. "Power and discretion" was given to the council to refuse any bond or certificate offered for keeping the town indemnified from charge for such per-

³⁹ *Town of Tiverton v. Town of Fall River*; see above, p. 143.

⁴⁰ *Acts and Resolves, January, 1865*, c. 581, p. 208.

sons.⁴¹ Some indication of the right, however, of the person judged "unsuitable" to state his own case was recognized by the provision of 1844, which gave an opportunity for him to appear before the town council, upon the issuance of a notice that such an order of removal was pending.⁴² Both the provision for binding out and that giving authority to refuse bonds or certificates remained in the statute until the revision of 1872.⁴³

Not only were the methods described employed for the removal of "undesirable" or destitute persons, but there were also specific regulations to prevent the return of persons who had been removed. Thus return without permission was first given an individual penalty—a fine of seven dollars or, in default of that, a whipping not to exceed twenty-nine stripes.⁴⁴ In 1815 settlement was denied to any person, except by permission of the town council, who might return after having been ordered out because of bad fame or reputation, and acquire sufficient real estate to entitle him to settlement.⁴⁵ This provision remained in force until 1872.⁴⁶

Beginning in 1825, several acts were passed which attempted to place responsibility upon others than the offenders, for return after having been removed. The first of these provided that a fine of fifty dollars might be levied upon any person who admitted into his house, or permitted to occupy a house or possession, such persons as had either been ordered to depart or had returned after having been removed.⁴⁷ This act still remains upon the statute-book and might be interpreted to mean that a landlord leasing a house or a relative providing for a destitute member of his family, under these circumstances, might either one be fined fifty dollars.⁴⁸

In 1838 an effort was made to hold the town to which a person was chargeable responsible for his care after an unjustifiable return to a

⁴¹ *Public Laws* (revision of 1798), p. 355, secs. 11, 13.

⁴² *Ibid.* (revision of 1844), p. 350, sec. 21.

⁴³ *General Statutes* (1872), Title XI, c. 66, secs. 28-30.

⁴⁴ *Public Laws* (revision of 1798), p. 356, sec. 12.

⁴⁵ *Ibid.*, 1814-17, p. 212.

⁴⁶ *General Statutes* (1872), Title XI, c. 67, secs. 28-31, pp. 156-57.

⁴⁷ *Public Laws*, 1825-27, p. 620.

⁴⁸ *General Laws* (1923), Title XII, c. 106, sec. 27 (1563), p. 506.

town from which he had been removed. This act specifically provided that an authority intending to return a person who has been removed and has returned should send a notice eight days in advance to the authorities of that town. If the town responsible for him did not then make the removal in its own manner and at its own expense, it could be held liable for the money expended up to twenty cents per mile by the town making the removal.⁴⁹

A summary of the present provisions regarding "order of removal" shows that an order may be issued for removing both destitute and unsuitable persons without settlement, although they are not asking for relief in the town in which they live. As in 1798, an overseer of the poor has the right to complain to the town council of any unsettled person who has become, or whom he thinks likely to become, a public charge. If an emergency seems to exist, a special meeting of the town council may be called to consider the case. Upon the issuance of an order of removal, the sergeant or town constable has the responsibility of "removing" the person or family to the overseer of the poor in the town of residence. The sergeant or constable may be fined twenty dollars for refusing or neglecting to carry out such an order, for which he has permission to go into any town in the state. An overseer refusing to accept responsibility for the persons delivered to him may be penalized to the extent of fifty dollars. What appears to be a conflicting provision is one which attempts to make a town responsible for the removal of its legal residents who have become destitute in another town, by holding it liable for the cost of the care given three days after notice has been received of the chargeability, if no plan for removal or maintenance has been made within that time. Cost of subsequent removals of persons returning without permission from any town in the state to which a removal has been made must be borne by the town responsible for the destitute person.

Persons of bad fame and reputation may be ordered by the town council to depart, when complained of by the overseer of the poor, thus delegating to that official a police as well as a relief function. As no definition is given of "bad fame" or "unsuitability," the unfair manner in which this authority might be used by an unscrupulous

⁴⁹ *Public Laws, 1837-39*, p. 1029.

overseer is apparent. Townsmen are made responsible for helping to enforce these orders of removal by being penalized for providing a home for such persons as are ordered out or who return without permission.⁵⁰

The effect of these provisions was such, until the change in the settlement provision in 1929, that a grown person might be removed to a town in which neither he nor his father had ever lived, but in which residence through property ownership had been held by the grandfather. However, it is still possible for a person, even though he has requested no relief, to be conveyed by a constable from a town in which he has chosen to dwell in the hopes of bettering his condition, and regardless of the conditions in the town of his legal residence for a satisfactory condition of living.

RIGHT OF APPEAL

The provision for appeal to the courts, by an overseer who believed that a poor person had been unjustly returned to his town, has remained in all essentials the same today as in 1798. This provided that such appeal might be made to the supreme court to be held in the county from which the removal had been made. If the order of removal was confirmed by the court, the town which had made the appeal paid the entire cost, including that of removal. On the other hand, if the order was reversed, the town which had ordered the removal paid the court costs as well as the support of the pauper since his removal and accepted the future responsibility.⁵¹

A series of acts, beginning in 1860, and one case (1869) have made some changes in the procedure, through transfer of jurisdiction of courts and in the time limit in which appeals should be made. The effect of these changes upon the poor person, however, would be only that resulting from a longer or shorter period of uncertainty as to where he was to be permanently cared for—a factor of no little importance to a person who has been or is to be uprooted from his home or friends.⁵² At the present time (1935) the overseer of the

⁵⁰ *General Laws* (1923), Title XII, c. 106, secs. 11-15, 19-21, pp. 504-5.

⁵¹ *Acts and Resolves, January, 1795*, pp. 6-7; *Public Laws* (revision of 1798), pp. 353-55, sec. 9.

⁵² *Acts and Resolves, January, 1860*, c. 346, p. 158; *ibid.*, *January, 1867*, c. 681, sec. 1, p. 143; 9 R.I. 358 (1869), *Obed E. Paine, Overseer of the Poor of Smithfield v. Town*

poor is allowed an appeal through the town council to the superior court within forty days of the time the poor person was delivered to him.⁵³

CERTIFICATE OF INHABITANCY USED IN
NINETEENTH CENTURY

Evidence of the use of these provisions for removal, during the nineteenth-century development of the statute, affords interesting illustrations of the administration.

That the use of certificates acknowledging responsibility for the legal residents of a town was general is indicated by the town records of the nineteenth century. It would seem that the chief benefit of these was derived from the opportunity so afforded for a certain degree of mobility—temporary residence often being permitted upon the presentation to the council of such a certificate; failure to produce one, on the other hand, was sufficient reason for removal. Records show both applications for such certificates and the filing of them as indemnities. Thus the records of Scituate in 1806 showed application made to the town council by one Lowry Fenner for a certificate “owning him to be a legal inhabitant of this town until he [should] gain a legal settlement elsewhere.”⁵⁴ Again, in 1809, the same town council made record of one Samuel Smith and wife who had lately moved into the town “not having gained a legal settlement therein nor produced any certificate owning him elsewhere and being likely to become chargeable.” It was, therefore, voted to remove the Smiths to Evanston, which the council “adjudged” to be the last place of settlement.⁵⁵

In 1814 more drastic measures were taken by the Scituate town meeting to rid the town of undesirable inhabitants. At that time it

Council of Providence; General Statutes (1872), Title XI, c. 66, secs. 16-17, p. 155; *ibid.*, Title XXIII, c. 170, secs. 1-6, p. 372; *General Laws* (1896), Title XI, c. 80, secs. 16-18, p. 272; *ibid.*, Title XXVI, c. 248, secs. 1-10, pp. 852-53; *Acts and Resolves, January, 1893*, c. 1224, c. 1, sec. 37, p. 302; *General Laws* (1909), Title XII, c. 94, secs. 16-18, p. 352.

⁵³ *General Laws* (1923), Title XII, c. 106, secs. 16-18, p. 505. (All Scituate records referred to in this chapter are in the Town Clerk's Office, Scituate, R.I.)

⁵⁴ MS Records, Town Council (bound), April 12, 1806, p. 180.

⁵⁵ *Ibid.*, p. 256.

was voted to direct the town council to order all persons out "who could not produce a certificate."⁵⁶ Again, in 1821, the council directed the town clerk to notify all persons residing in the town who had families and were not legal inhabitants to furnish themselves with certificates "as the law in such cases [directed]."⁵⁷

The Newport files contain books of similar certificates, which had been received from other towns, acknowledging responsibility for persons who had moved to Newport.⁵⁸ Thus one from Jamestown indicates the form used:

To the Worshipful Town Council of the Town of Newport.

This may certify that we the Town Council of Jamestown do own & acknowledge Betsey Howland a Black woman to be a legal inhabitant of our Town & as such will at any time hereafter receive her if required by you signed in behalf & by order of said Town Council at Jamestown

The 20th day of September A.D. 1819

John Remington Council Clerk⁵⁹

Care was also used by means of certificates to assure proper responsibility for the support of a child born out of wedlock, thus in similar form:

To the Worshipfull Town Council of Newport in the County of Newport

Gentlemen.—We the Town Council of North Kingston in the county of Washington do own and acknowledge Susannah Gardner (Daughter of Lory Gardner of this Town) to be a legal inhabitant of this town of North Kingston & will receive her and the child which she is now pregnant with when born, as such until she or said child do gain a legal settlement elsewhere. Signed per order of the Town Council of North Kingston the eighth day of October 1798 per Geo Thomas Council Clerk

Recorded May 14, 1827 & the original placed on file in my office.

Benj B. Howland Council Clerk⁶⁰

REMOVAL OF "UNWHOLESOME" INHABITANTS

The right to remove, as well as to warn out, those persons who were judged unsuitable to become residents, even though there was

⁵⁶ MS Records, Annual Town Meeting (bound), 1814.

⁵⁷ MS Records, Town Council (bound), April 2, Book 5, p. 4.

⁵⁸ MS, City Clerk's Office, Newport, R.I.

⁵⁹ Paper-bound volume of MS certificates in City Clerk's Office (pages not numbered).

⁶⁰ MS (bound), "Certificates from Other Towns to Newport," 1780-1839, p. 2.

no destitution, was made use of. Thus, in Scituate in 1817 the council voted:

Whereas it [was] represented to this council by a number of the inhabitants that one Joseph Bisford and his wife and four children have come to inhabit in said town of Scituate not having gained a legal settlement therein. And it is further Represented that said Bisford is an unwholesome inhabitant and an unsuitable person to become an inhabitant of said town. Voted that the clerk notify said Bisford in writing to depart out of said town of Scituate with his said family within thirty days from this date.⁶¹

Whether this "unwholesome" family was given permission to remain within the town is not recorded, but in December of the same year it was notified to produce a certificate of inhabitancy from the town where it belonged, certifying that in case it became chargeable this town would remove it without cost or trouble to Scituate. In case the family did not comply, search was to be made and reported at the next council meeting of the town to which it was chargeable.⁶²

In 1833 the Scituate council made further effort to avoid responsibility when it voted to extend to employers the law providing for personal responsibility of townsmen who harbored strangers. This was done by requiring a bond from a freeman employing a person or family who did not belong in the town, such bond to "save harmless" the town from any expense that might arise by reason of said family or person.⁶³

What appears to be the last record of warning out by Scituate because of unsuitability occurred in 1841. Then, Christopher Cook was to be notified by the town clerk to depart immediately as he was considered unsuitable to become an inhabitant.⁶⁴

However, the necessity of appearing before the council to prove or disprove the right to remain in a town continued longer. If no appearance was made, the town acted as it wished in regard to the removal of the person under consideration. In 1848 such action was taken in connection with one Elizabeth Arnold.

Upon the complaint of Richard Lapham one of the overseers of the Poor of this Town against one Elizabeth M. Arnold, a single woman representing that

⁶¹ MS Records, Town Council (bound), July 5, 1817, p. 473.

⁶² *Ibid.*, December, 1817, p. 478.

⁶³ *Ibid.*, September, 1833, Book 5, p. 32.

⁶⁴ *Ibid.*, July 10, 1833, p. 60.

said Elizabeth [had] come to inhabit in said town not having gained any legal settlement therein and is likely to become chargeable to said town and that said Elizabeth's last place of legal settlement is in the town of Cranston in this state. It is ordered that a summons issue to said Elizabeth M. Arnold to appear before this council, if she sees fit at a meeting of said council to be holden at the house of Andrew A. Angell in Scituate on Tuesday the 21st day of November instant at one o'clock P.M. to answer to said complaint and to be dealt with in the premises as to law and justice shall appertain.⁶⁵

Elizabeth did not appear at the special meeting, whereupon it was voted "upon consideration of the evidence and allegations submitted" to send her to Cranston by the town sergeant or one of the constables of the town, and there "to deliver her to one of the overseers of the poor"⁶⁶—with an authentic copy of this order." The town sergeant was delegated with the responsibility of carrying out this order and to make a return showing it to have been duly executed.⁶⁷

The frequency of removals from Exeter in the early nineteenth century is indicated by printing of forms on which to make the order of removal to supplant the previous use of those written in long hand. These forms left blank spaces, to be filled in by the council clerk as to the reasons for issuing the order, the vote of the town to reject the would-be inhabitant, and the place which the town had adjudged to be the place of residence. Records of the period indicate removals from Exeter on charges of "bad fame and reputation" as well as because of poverty.⁶⁸

Tiverton, as late as 1872, voted to send out two men, having no "legal settlement" there, who were "unsuitable" to become inhabitants. They were given the opportunity, as provided by law, to appear before the council and show any reasons why the petition of the overseers asking for their removal should not be granted. Their failure to appear was followed by an order commanding them to depart within two days. In this case an attempt was made to enforce the statutory provisions charging responsibility upon the

⁶⁵ *Ibid.*, November 17, 1848, p. 139.

⁶⁶ *Ibid.*, November 21, 1848, p. 140.

⁶⁷ *Ibid.*, December 11, 1848, p. 143. In a similar case the subject appeared before the council, whereupon the complaint was dismissed (*ibid.*, January 8, 1849, p. 143).

⁶⁸ Unclassified and unbound Exeter Papers, Rhode Island Historical Society, Providence.

owners of property occupied by persons who had been ordered to depart. Thus directions were given for notifying the women owning the buildings and tenements of the action taken by the council and "ordering them to require their tenants to leave within the time specified or in default thereof to abide the consequences and suffer the penalties" as the law in such cases made and provided.⁶⁹

USE OF PENALTY FOR DISOBEYING ORDER OF REMOVAL

The use of the penalties of whipping or levying a fine for voluntarily returning after removal continued into the nineteenth century. In Tiverton, in 1834, the choice of paying seven dollars, or being "publicly whipped eighteen stripes between ten and eleven o'clock in the morning," was given to a man who had returned three years after he had been ordered out.⁷⁰ It would seem that the punishment was unsuccessful, in this case, in accomplishing the desired results, as a few months later an order was given for writing a letter to Warren to inform that town that this man was chargeable thereto, and that it would hereafter be held responsible for any aid given.⁷¹

With the increase in the number of workhouses or bridewells, their use became a frequent means for punishment of persons disobeying the regulations by wishing to live in a place not permitted to them. Thus in the rules made for the government of the Providence workhouse it was stated, "Whereas, by reason of the existing laws of several of the neighboring States," it was often troublesome, expensive and, "in some cases, utterly impossible to convey persons rejected by the said Town Council to the place of their legal settlement," such persons might be committed to the workhouse there to be "provided for and kept to labour." Power was also given to the council to commit those who returned to Providence contrary to their order of removal as well as those who attempted to evade the officer who had been ordered to bring them before the council for examination.⁷²

⁶⁹ MS Records, Tiverton Council (bound), May 6, 1872.

⁷⁰ *Ibid.* (1804-52), December, 1834.

⁷¹ *Ibid.*, March, 1835.

⁷² "An Act for the Better Ordering of the Police of the Town of Providence, and of the Workhouse in Said Town," *Acts and Resolves, October, 1796*, pp. 15-20 (see below, Appendix, for this entire act).

Similar acts were passed applicable to other jurisdictions as work-houses were established within their boundaries.⁷³

LITIGATION EXPENSIVE

That the problem of deciding chargeability was troublesome even in the early part of the eighteenth century is indicated by the records of frequent appeals of cases to the courts, from the orders of the town councils or overseers of the poor, and from the county courts to the supreme court.⁷⁴ In the latter cases the procedure took the form of an appeal to the general assembly for permission for a rehearing. Such appeals frequently caused considerable delay, because of the practice of allowing the representatives of the town, against which a petition for rehearing was filed, an opportunity to appear at the next session of the assembly to "shew cause if any they [might] have" why the petition should not be granted.

The expense of these suits was no small item of the budget for relief. The decision of a case in 1805, appealed from a town-council order of Providence, by the overseer of the poor of South Kingston, was reversed and Providence ordered to pay charges and expenses the sum of \$126.47 with costs of appeal, \$143.59.⁷⁵

Records of a case in Scituate, extending over several years, reported in January, 1798, the selection of two men, Daniel Seamen and Sam Aldrich, to appeal from an order of Gloucester, by which Squire Whitman and family had been removed to the former town to be supported. This appointment carried the right to draw sufficient money from the town council to prosecute the appeal.⁷⁶ In November appeared an item of payment of \$30 to Daniel Seaman for carrying on the case at Gloucester. In January, a year after the first

⁷³ In Newport, *ibid.*, May, 1808, pp. 176-78; in North Providence, *Public Laws*, 1814-17, p. 194.

⁷⁴ As has been previously stated, no published records of cases before 1834 are available, therefore town minutes and general-assembly records must be chiefly depended upon for these reports. An attempt was made to find some opinions on these early cases, but the original manuscripts in the Providence courthouse contain only such notations as that of the decision given, the discontinuance or the dismissal of the case.

⁷⁵ MS Records of Supreme Judicial Court (Providence courthouse; September term, 1804), Book 5, p. 264; decision, March 16, 1805.

⁷⁶ MS Records, Town Meeting (bound), January 27, 1798.

record, \$18.90 was allowed,⁷⁷ and in April, \$8.00, while in October, \$14.24, and in December, \$5.00, were allowed to Aldrich. Thus over \$75 was expended by the committeemen, while \$2.32 was allowed for taking evidence and official services to other claims. However, the case was apparently won by Scituate, as an order of \$133.33 was issued to Mr. Aldrich for money due from Gloucester "for supporting Squire Whitman and family etc."⁷⁸

These prosecutions were usually carried out by the overseers of the poor, although at times the assistance of other persons was provided for by council vote. The following bill presented to Exeter is such an instance, a lawyer being hired at the expense of \$42, "errors excepted," to argue at two terms of court on cases appealed.

Town of Exeter to Wilkins Updike Dr.			
Sup. Jud. Court	To arguments before court against Petition	}	\$ 6.00
Oct. Term 1828	for new trial Town of North Kingston vs. you for removal of John Northrup		
	New trial granted & continued		
	To arguments before court against Petition	}	6.00
	for new trial Town of North Kingston vs. you for removal of Sarah Northrup		
	New trial granted & continued		
April Term 1829	To argument before court on the appeal North Kingston vs. you Judgement for North Kingston	}	6.00
	To argument before court on the appeal you vs. North Kingston.		
	Judgement for North Kingston being argu- ments on the cases in which new trials were granted	}	24.00
	Errors Excepted		
			W. Updike ⁷⁹

INTERSTATE REMOVALS DIFFICULT

That difficulties in relation to the removal of persons by and from towns in neighboring states were early recognized was indicated by

⁷⁷ MS Old Statute Book (council minutes), pp. 37-38.

⁷⁸ *Ibid.*, pp. 39-41.

⁷⁹ Unclassified and unbound MS Exeter Papers, Rhode Island Historical Society, Providence.

a petition to the general assembly, in 1795, and the resolution resulting. The inhabitants of West Greenwich complained that the town of Rehoboth in Massachusetts had removed a number of paupers there who were never legal residents of the town. Under the Massachusetts statute, no appeal could be made, in this or in similar cases. The Rhode Island general assembly appointed a representation to appeal to the general court of Massachusetts for the right. The representative was instructed, also, to obtain a right for the officers of Rhode Island, who were conveying paupers through Massachusetts to convey them in the same manner that civil officers were authorized to convey prisoners in that state.⁸⁰

It would seem, from further action taken by the general assembly, that the foregoing appeal had not brought the desired results. An attempt was then made to prevent officers from neighboring states conveying poor persons into Rhode Island. Thus it was voted, in 1797, that any officer or other person from any neighboring state "who by Virtue of any order of Removal or in any other Manner [should] bring into this state any Person or Persons who might be liable to be chargeable to any town therein," should pay a fine of two hundred dollars together with costs of prosecution. This money was to be turned into the state treasury. In order that the rule should become generally known, the assembly ordered its publication in all the newspapers of the state.⁸¹

STATE OFFICIAL MADE RESPONSIBLE FOR REMOVAL OF STATE CHARGES

With the establishment of a central public welfare authority in 1869, and the consequent provision for state care of certain groups of handicapped and destitute persons, machinery was set up for investigation as to settlement and for removal of groups falling within this jurisdiction. Thus the Board of State Charities and Corrections was given the authority to appoint a superintendent of state charities, one of whose duties was the "examination of paupers and lunatics, to ascertain their place of settlement and means of support; or who may be responsible therefor; the removal of paupers and

⁸⁰ *Acts and Resolves, May, 1795*, p. 17. See *Perpetual Laws of Massachusetts*, I (1788), 132, 152; II (1799), 339.

⁸¹ *Ibid.* October, 1797, pp. 12-13.

lunatics to their homes or places of settlement; and [should] have the like powers and authority as [was] now conferred by law upon the overseers of the poor."⁸²

With subsequent changes in the form of the central authority have come some changes in its name and function. These are not, however, of importance so far as the responsibility for "investigation and removal" is concerned, except for the clearer definition given in 1917 of the groups of "defectives and dependents" to be included. Thus:

All persons heretofore described in any law as paupers and lunatics and such other persons, who on account of age, poverty, mental disease or other infirmities [were] wholly or partly on the state for support and [were] under the control of the commission and [should] be made subject to the supervision of said agent by order of the commission.⁸³

As fiscal agent, today, the responsibilities of this official in regard to investigation as to responsible sources of support and removal, both within and without the state, remain similar to those when the position was first created in 1869. In addition to these functions, the office may be used as a place of appeal from disagreements arising between towns over the responsibility for individual cases of defectiveness or destitution.⁸⁴

Considerable importance has been given by this official in his annual reports to the value of the work accomplished through this function, as a means of saving large sums of money. However, as a reciprocal relationship was entered into with Massachusetts and

⁸² *Ibid.*, May, 1869, c. 814, sec. 3, p. 2. This included the removal to neighboring states with which reciprocal arrangements had been made (*Second Annual Report of the Rhode Island Board of State Charities and Corrections*, 1870, p. 61).

⁸³ In 1917 the central authority became the Penal and Charitable Commission and the title of this office was changed to "agent of defectives and dependents" (*Acts and Resolves, January, 1917*, c. 1470, Art. I, sec. 9, pp. 18-19).

In 1923 a Public Welfare Commission was substituted for the former central authority, but this office kept the same title (*ibid.*, January, 1923, c. 2324, sec. 1, p. 55). In accordance with the reorganization of state government in 1935 the central welfare authority became the "Department of Public Welfare," *Acts and Resolves, January, 1935*, c. 2188, pp. 1-7 (advance sheets).

⁸⁴ *Ibid.*, January, 1926, c. 681, sec. 9, p. 321.

New York at the beginning of the state board's organization,⁸⁵ there were undoubtedly persons returned from these states to Rhode Island, as well as from Rhode Island to each of them, yet no record of such returns has been kept. It is impossible to judge, therefore, as to relative numbers removed from and returned to the state. Belief was also expressed in the psychological influence of this provision. In 1872 the agent of the state board stated that "the fear of being returned to the places of their birth, together with a horror of the work houses of" the old country "[had] driven from the State a far greater number of paupers than [had] been actually removed by our authority." Two activities in this regard were noted at that time—the removal of persons who had been in the state for many years, but more especially was stressed the "vigilance and persistent effort" in preventing newly arrived paupers from gaining residence.⁸⁶

It is of interest to note some of the optimism expressed over a period of years as to the results of these removals. During the first seven months of that activity under central administration, ninety persons were so removed from the state. Of this number, fourteen were insane, four having been wards of the Butler Hospital for several years. Estimating that each of these would cost the community at least \$1,000 and that each of the seventy-six "Paupers, not insane" would cost \$400, a saving of \$44,400 was said to have been made to the state.⁸⁷ In 1877 one hundred and thirty-eight persons were removed, of whom twenty-eight were insane. The saving here was estimated at \$72,000, on the same basis as given above.⁸⁸

These figures seem very large when compared with the average annual cost to the towns of the destitute, as seen below.⁸⁹ The number of these persons, furthermore, who would have been a long-time

⁸⁵ *Second Annual Report of the Rhode Island Board of State Charities and Corrections*, 1870, p. 61.

⁸⁶ *Fourth Annual Report of the Board of State Charities and Corrections*, 1872, p. 8.

⁸⁷ *First Report of the Board of State Charities and Corrections for Seven Months*, 1869, pp. 27-28. These estimates were based on figures from Providence where, of the thirty-three insane paupers then supported, ten had been cared for an average of twenty-one years each and ten others an average of twelve and a half years each.

⁸⁸ *Third Annual Report of the Board of State Charities and Corrections*, 1871, p. 33.

⁸⁹ See below, chap. ix, pp. 211-13, 216-18.

charge was possibly overestimated, if any basis of comparison is afforded with the reports of the state almshouse in 1890, when a summary of the deaths showed that five persons dying had been in the institution less than five days; sixteen, less than one month; and only twenty-five, more than one year.⁹⁰

Although the cost of making these removals was not large, it was an item to be considered. Thus, in 1880, two hundred and eleven removals were made at a cost of \$1,601.79—an average of a little less than \$8.00 per person.⁹¹ Five years later, three hundred and eighty-six persons were removed at a total cost of \$1,782.97.⁹²

The number of persons removed increased during the nineteenth century until it reached the peak in 1899, when nine hundred and two persons were removed by the state department, at a cost of \$8,255.13.⁹³

During this period, continued pride was expressed as to the value of this work, even extending this value to the future when, as a result of examinations then being made as to the settlement of state paupers, the responsibility for the "offspring of these paupers" would be determined as it was "a well established fact that pauperism descends in families."⁹⁴ One cannot help but wonder if this destitution would have descended if more effort had been made to provide adequate care rather than to remove families from their homes.

An interesting development of this work of removal was a co-operative plan carried out between certain of the towns and the state department, one-half of the expense being borne by the respective town and one-half by the state. This would seem like an acknowledgment of inability to place responsibility, as the state was responsible for those persons chargeable to it. The extent to which

⁹⁰ *Twenty-second Annual Report of the Board of State Charities and Corrections, 1890*, p. 28. See below, chap. ix, p. 222.

⁹¹ *Twelfth Annual Report of the Board of State Charities and Corrections, 1880*, pp. 39, 100.

⁹² *Seventeenth Annual Report of the Board of State Charities and Corrections, 1885*, p. xlvii.

⁹³ *Thirty-first Annual Report of the Board of State Charities and Corrections, 1899*, p. 145; p. 52.

⁹⁴ *Twenty-sixth Annual Report of the Board of State Charities and Corrections, 1894*, pp. 144-45.

it was hoped to prevent future charge by removal was clearly expressed in the agent's report for 1895. Thus:

A large proportion of those removed are of the roving class who are travelling through the State in all directions, and are sent to the Agent by the overseers of the poor, the police and the different charitable societies.

In dealing with this class of people the Agent must determine not only their necessities but whether, if permitted to travel through the State, they will not eventually be committed to the Workhouse and House of Correction at an expense of from six to twenty dollars in each case. If it seems probable in any case that this will occur, he removes the person at once to the place where he belongs and the State does not incur the double expense of commitment and removal.

In order to carry on effectively the work of relieving the State from the care of persons who have no claim upon it for support, the Agent should know the history of every person liable to become a pauper. He now by law has charge of the examination of paupers and lunatics "for the purpose of ascertaining their places of settlement and means of support and who is liable for their support"; but many who may eventually become chargeable to the State are not technically paupers, though actually so. Many of the class who with their families will probably become paupers if allowed to remain in the State, are to be found in the reformatory institutions, and these can be removed from the State when the necessary information is obtained regarding them, and should be so removed.

The agent then suggests that he be given legal authority to learn the settlement not only of the "technically paupers or lunatics" but also of inmates of the reformatory institutions. In that way, he believed, he would be enabled to remove from the state a large number of dependents, with, in some cases, "their families who though not in an institution at the time [were] liable to become dependents also."⁹⁵

Thus was stressed, not an attitude of concern for the welfare of the individual, nor the thought of better living conditions or means of adequate care that would prevent future destitution, but an interest in removing all persons without settlement who were or might become destitute, no matter how long they might have lived in a given town or what had been the circumstances of their coming to Rhode Island.

⁹⁵ *Twenty-seventh Annual Report of the Board of State Charities and Corrections, 1895*, pp. 160-61.

CHAPTER VIII

ADMINISTRATION OF THE POOR LAW, 1798-1850: A PERIOD OF TRIAL AND ERROR

As its development has been traced, the legislation providing for the care of the poor in Rhode Island, during the first century as a state, may have appeared limited in its provisions and as having given more attention to the transfer of responsibility than to the form and adequacy of care provided. It is not fair, however, to say that the service was limited and inadequate without giving some consideration to the administration of the statutes. Furthermore, every indication of a groping after better methods of care was evidenced by the changes in the type of provision made for the destitute. Although the primary motivation of these changes may have been economy rather than a desire to render better service, there remains the evidence in the latter half of the century of the recognition of the lack of consideration of the poor to whom relief was given and even of the presence of cruelty in their treatment, which led to definite reforms.

However inadequate and meager the results may have been, as judged by present-day standards, a great deal of time and effort was conscientiously given, during the early nineteenth century, to meeting such responsibility for destitute persons as was assumed. The struggles to find an economical and, at the middle of the century, a humane method of caring for the settled poor, leading through various experiments in "auctioning," "selling," or "bargaining" for their care individually or in groups, to the nineteenth-century almshouse solution, offer an interesting history of poor law administration. Until after the middle of the century there was little, if any, indication of a recognition of the presence of individual problems of destitution, or of physical or mental handicaps, which might call for specialized care as distinguished from relief of the poor as a group set apart by common needs.

Furthermore, although the development of institutional care,

as a substitute for relief given to the destitute in their own homes, may be deplored, there can be no doubt but that the movement in the early nineteenth century in Rhode Island was an improvement over the previous methods of auctioning or selling the poor. In spite of the harshness of discipline, the lack of segregation, or the absence of specialized care, there was an indication of adequate food and clothing and comfortable shelter in most of these institutions. There was, moreover, some degree of supervision of the care given, by the boards or commissioners by their weekly visits—a supervision lacking in the other methods of care both preceding and contemporary with the growth of the almshouses.

The basis of comparison, then, should be, not the ideals of case work and specialized care as known today but the conditions existing prior and at the same time, in other methods of care.

The real criticism, then, must be not that the almshouses were established during this period in the early nineteenth century but that their continuation with all of the evils due, for the most part, to unsupervised local responsibility was allowed into the twentieth century.

EFFORT TO FIND BETTER METHODS OF CARE

It seems worth while to note in some detail the practices in certain towns, which show both the efforts made by the overseers to provide care before reaching the decision to establish institutions and the development of plans for the organization of the almshouses.

ADMINISTRATION OF POOR RELIEF IN SCITUATE

Development of poor relief in the town of Scituate affords such a history, showing the manner in which problems concerned with the care of the destitute were encountered and met before the almshouse was finally decided upon as the necessary plan. Previous to 1797 the poor had been cared for separately by townspeople in their homes who had received varying sums for the service. A six months' record of orders drawn on the treasurer in March, 1796, provides an interesting list of the items as well as an indication of the proportion of the town expenditures for poor relief as compared to all other town expenses—\$470 as against \$215. Items for looking after and

nursing the sick, for care given during confinement, for moving the poor, for "doctoring sundry poor," for clothing, for rent, for "fire-wood," and for "keeping" and "supporting" individual cases were included.¹ It should be noticed, however, that about \$60 of the amount expended on the care of the poor in this bill would be returned to the town by those persons held responsible for the support of the so-called bastardy cases.²

TOWN "LETS OUT" THE POOR

Dissatisfaction with methods of care for the poor in Scituate led to the calling of a special town meeting in 1796 for the purpose of "adopting some suitable mode of supporting the Poor of said Town for the future." At that meeting it was voted to give the care of all the poor "that [was] now chargeable or that [might] be chargeable within the town for one year" to one John Aldrich, who had agreed to "support and wholly maintain" them for one-quarter less than had been expended for their care the previous year. Mr. Aldrich was at that time chosen an overseer of the poor, although it does not seem to have been customary to elect one to this position who was to provide directly for the care of the poor.³

Specific supervision was provided for assuring the town that the poor's clothing would be as good at the end of a year's care as at the beginning, by means of the appointment of a committee to "examine the circumstances of the Poor respecting their clothing etc." at the beginning and at the end of each year of care.⁴

¹ See Appendix, pp. 277-79, for extracts from this report. From "Records of Bills Paid" in Old Statute Book (MS), pp. 28-37. (All Scituate records referred to in this chapter are in the Town Clerk's Office, Scituate, R.I.)

² An auditor's report in August, 1819, showed \$550 due the town on these accounts.

While it is not intended to discuss in detail the care of children born out of wedlock, it should be noted that prosecutions enforcing support were frequent and that considerable time was spent by the overseers in making arrangements for the care provided. The customary rate charged was thirty-three cents per week, until the child reached the age of seven, although a few cases are found at the rate of fifty cents per week. Not infrequent are the cases in which money was paid through the overseers to a man for the support of a child of his wife's, not his own. See MS Records, Council, Scituate (bound), Book 5, October, 1831, p. 34; March, 1834, p. 41; June, 1834, pp. 40-42; September, 1836, p. 48; and November, 1836, pp. 53, 57, for many of these cases.

³ MS Records, Town Meeting, Scituate (bound), Vol. No. 2 (1787-1825), December 26, 1796 (pages not numbered).

⁴ *Ibid.*, April 19, 1797.

At the end of the year, Mr. Aldrich's contract was continued for another year for \$260, the overseers to be held responsible for determining who was to be included as "poor of the town."⁵ Records indicate that he had received \$276.44 for the first year of this service.⁶ Thus was established in Scituate the custom, which continued for almost fifty years, variously referred to as "selling the poor," "auctioning," or "letting out."

Special annual town meetings were "warned" for the purpose of "putting out the poor," the contract being let to this same Mr. Aldrich, with the exception of one year, for eight consecutive years. The sum allowed varied in different years. After that period, however, the "poor" were moved frequently, sometimes annually, from one contractor to another.

While there is no indication in the town or council meeting minutes of the discussion of special problems arising in relation to the care provided for the poor, indications of the nature of these problems are found in the provisions of the successive acts and regulations passed. In 1799 an attempt was made to define more clearly the terms of the agreement made in the contracts given for care. Thus Mr. Aldrich agreed to support the poor "Decently with victuals, Clothing etc. for the sum of \$200." The overseers, furthermore, were to determine who should be "carried to & supported," and Mr. Aldrich was not to be at the expense of support of any poor person until such person was delivered to him by one of the overseers, "if such Person or Persons" were able to be moved, unless a contrary agreement were made between the overseers and Mr. Aldrich. Thus it is seen that responsibility of the contractor did not necessarily cease with those for whom care was provided at his own home, although it was obviously intended that all should be provided for in that manner.⁷

This method of "letting out" the poor did not, moreover, remove from the consideration of the town or council meetings all matters pertaining to their care. Poor children were bound out as apprentices, the council allowing sums ranging from \$0.50 to \$40 for this purpose.⁸ Individual cases were granted special care. The circum-

⁵ *Ibid.*, March, 1798.

⁶ Records, Council, Scituate, March, 1797, p. 37.

⁷ Records, Town Meeting, Scituate, March 16, 1799.

⁸ *Ibid.*, September, 1802.

stances of one family were discussed over a period of ten years, during which time various plans were made. In that case a family was being supported by the town and various attempts were made to put the support upon the father. Thus he was at one time allowed a grant of \$80 per year.⁹ Three years later it was voted to give him \$1.50 per week for caring for three children and one grandchild.¹⁰ Finally, the decision was reached to bind the man out and apply his wages to the support of his family.¹¹

Further attempts to arrive at a form of contract that would make specific and definite the agreements entered into between the town and the person who bid for the poor were made in 1808. At that time the minutes recorded individually the persons included under the contract as the "present list of poor" as well as such as may be "added thereto by the overseers." In addition to support, the contracts agreed to indemnify the town from all expenses that might arise on account of any of these persons.¹²

These efforts to define the responsibilities of the various parties culminated in the drafting of an act in 1812 containing the terms of the agreements to be entered into between the town and those who "bid" up the poor.¹³ While there is no record of the provisions of this act, further references to it indicate its specific statements as to those for whom care should be provided and in what manner.

CHANGE IN METHOD OF CARE

This method of letting out the poor in a group to one contractor continued until 1818, a period of over twenty years. The sums allowed for care ranged from \$198 to \$398 per year. In August of 1818, however, the town meeting voted to put out the poor by "putting them up at auction in seperate lots." It was thus voted that "David Phillips keep Joseph Bennet one of the poor of said town for the term of one year from the first day of October next and that he have the sum of forty-two dollars for the same payable agreeable to the town poor act, which is to be complied with." And so on followed the votes on individual cases, care being obtained for

⁹ *Ibid.*, September 20, 1802.

¹² *Ibid.*, April, 1808.

¹⁰ *Ibid.*, August, 1805.

¹³ *Ibid.*, September, 1812.

¹¹ *Ibid.*, September, 1812.

sums ranging in amount from \$38 per year to \$3.00 per week. The services of two men were sold for \$6.00 per year, while the care of one man went for whatever service he might render his keeper.

While no reasons were given for this change in procedure, it was probably due to a desire to be more economical. The sum allowed to one contractor for care of all of the poor in 1817 had been \$350,¹⁴ while the total contracted for in 1818 amounted to \$240, plus \$3.00 per week for the care of a woman whose death was expected to terminate that responsibility. The town was thus able to get one pauper cared for in return for his service while two others brought an income of \$6.00 each.¹⁵

THE "SWEEPING CLAUSE"

Greater variation was made in the amounts which were bid at the following year's auction. At that time originated, too, the custom which continued for many years and came to be referred to as the "sweeping clause." This practice consisted of lumping together certain of the poor and all who might later become chargeable and letting them to one person, in addition to those who were sold individually to separate townspeople. The first year this group sold for \$280, which, with individual contracts, made a total expenditure of \$662.¹⁶

EVILS OF SUBCONTRACTING

Following that year, a series of regulations were passed indicating that problems had arisen in connection with the practice of subcontracting of paupers outside the town, by certain persons who had bid for their care. Thus, in 1820, it was voted that all the poor of the town should be maintained within the town by the person or persons who agreed to support them. If, however, agreements were made with some other person to take any so contracted for, these were to be kept within the town.¹⁷

The next year it was voted that there should be no "privilege to transfer," but that the person who should "bid off" any of the poor must keep them.¹⁸ However, this provision was later amended to

¹⁴ *Ibid.*, August, 1817.

¹⁷ *Ibid.*, September, 1820.

¹⁵ *Ibid.*, August, 1818.

¹⁸ *Ibid.*, September, 1821.

¹⁶ *Ibid.*, August, 1819.

permit of "transfer" with the consent of the overseers. Failure to comply with this subjected the contractor to forfeiture of the "covenant made" respecting the said poor person or persons.¹⁹

EFFORTS TO BETTER CONDITIONS

During the following twenty years there were indications of considerable dissatisfaction on the part of the town with the care given to the poor. Methods of letting them out varied from year to year between "letting" all to one person, letting them individually with certain ones sold in the "sweeping clause," and a variation of the latter method substituting for the selling of the sweeping clause the practice of making the overseers responsible for all who were not sold separately. In 1825 it was voted to attempt some form of inspection or supervision by providing that the overseers or some one of them should visit once in each three months the poor at the places where they were kept.²⁰

The problem of "runaways" among those in the "sweeping clause" was dealt with in 1830 by a provision that the return of any such became the responsibility of the keeper at his own expense after his notification as to where such were to be found. All expenses for care of these runaways after such notification were, furthermore, to be borne by the keeper.²¹ The charge for moving the poor from the former keeper was made the expense of the new bidder in 1835.²²

In 1839 the growing dissatisfaction came to a climax in the assembling of a town meeting "to take into consideration and determine the expediency of purchasing a farm to support the poor upon hereafter."²³ At the meeting it was voted to purchase a farm to cost "not less than \$3,000 or more than 4,000." A committee was then appointed to "look out a farm" and report at the next meeting.²⁴ However, there is no evidence of further activity of this committee or about the proposed farm for four years. Meanwhile, problems arose with contractors over failure to perform, with the

¹⁹ *Ibid.*, September, 1823.

²⁰ *Ibid.*, 1825, Book 3, p. 4.

²¹ *Ibid.*, 1830, p. 23.

²² *Ibid.*, 1835, p. 38.

²³ *Ibid.*, September 21, 1839, p. 48.

²⁴ *Ibid.*, November 9, 1839, p. 48.

resulting attempt to require security from them.²⁵ Finally, in 1843, appointment was made of another committee to "advise some way to support the poor in order to save expenses either by hiring or buying a farm."²⁶ This committee reported at a special meeting the following week. Still there was delay, and at that meeting it was voted not to buy a farm for the present. Meanwhile, the poor were let out for another year.²⁷

TOWN FARM ESTABLISHED

The next year, however, the plans were carried through, a one-hundred-acre farm was purchased for four-thousand dollars and a committee appointed to superintend it. Problems, such as will be discussed in relation to the asylum in Newport, arising over the proper division of responsibility, seem to have been avoided here by an overlapping of personnel between the overseers of the poor and the committee responsible for the administration of the asylum.²⁸

It is apparent from subsequent records that all the poor were not sent to the farm, but that special provision was made for the care of certain persons in private homes, for medical care, and for burial expenses.²⁹

In 1846 some indication of the laxity of control of financial matters was seen in the report of a committee to "audit and report on the condition of the town treasury." Thus they

had come to the conclusion that it [was] impossible for them to determine the amount of the indebtedness of the town for the reason that the clerk [had] been authorized from time to time to give orders to all those who had kept the poor, and that [they had] found a number of orders paid by the Town treasurer that were given by the Clerk, he having omitted to record them. But very few orders specify what they were given for, except those that have been given since August 1844, and [they found] some of these numbered two of the same number.

Suggestions were made by this committee for more accurate keeping of financial records. The report of this committee affords an esti-

²⁵ *Ibid.*, pp. 49, 50, 53, 55.

²⁶ *Ibid.*, August, 1843, p. 57.

²⁷ *Ibid.*, September, 1843, pp. 57-58.

²⁸ *Ibid.*, September 25, 1844; May, 1845, pp. 64-65.

²⁹ *Ibid.*, November, 1846, p. 105; December, 1846, pp. 107, 109, 130; 1848, p. 132; 1849, pp. 97, 98, 160, 179.

mate of the large proportion of the town funds that went to the care of the poor, as late as 1844-45.³⁰

Orders given for the support of the poor by the council and asylum committee.	\$1,355.36
Orders given for support of schools.	300.00
Orders given for support of bridges.	306.77
Orders pd. which were given previous to August 1844.	552.37
Orders pd. Josiah Westcott, Town clerk.	127.37
Orders pd. Josiah Smith Town Treasurer.	35.88
Collection of taxes.	26.50
Miscellaneous expenses.	67.25
Town council fees.	40.00
Amount of orders unpaid given from August 1844 to August 1845.	434.53
Carried over.	\$3,246.03
Deduct the orders paid from August 1844 to August 1845 which were given previous to 1844.	552.37
	\$2,693.66
Which balance shew the expense of the town from August 1844 to August 1845 being an excess over the revenue for the same time of.	327.54
Made up to Aug. 1845	

THE NEWPORT ASYLUM

Having thus traced in one town the methods of care which proved unsatisfactory and therefore led to the establishment of an almshouse, it seems worth while to look, in another town, at the steps in the actual organization and later development of such an institution, together with the form of care provided there. Such an opportunity is offered in the Newport Asylum on Coasters Harbor Island.³¹

From the years 1810-19 there had been a great increase of the poor rates in Newport, \$6,300 being thus expended in the latter year.

³⁰ *Ibid.*, pp. 73-74.

³¹ *Records of the Committee appointed by the Town of Newport to contract for and superintend the erecting of a building on Coasters Harbour Island to be called the Newport Asylum for the better accommodation of the Poor of said town.* This and the Newport records hereafter referred to are in the City Clerk's Office in the City Hall, Newport, R.I., in MS (bound).

Frequent abuses were said to have been present in the system, which provided no adequate supervision of the officers and overseers, especially in the administration of the outdoor pension list, which was very large. One of the commissioners of the asylum best describes the events leading up to the decision to erect an asylum. Thus he says:

The existence of these evils, had determined some of the most active and enterprising citizens, to attempt a radical reform of the whole system. In the performance of this important duty, they had to combat many long established, and deep rooted prejudices, and the opposition of interested and ignorant people, in which the charges of avarice and cruelty, were most conspicuous. It ought to be mentioned, that notwithstanding the great expense of supporting the poor in this place, their appearance was far from respectable as a class, and they were in habits of gross drunkenness and idleness, and withal most sturdy street beggars.³²

At a town meeting held at the state house, March 1, 1819, it was voted to erect an asylum for the poor. The building was to be of stone and an appropriation of five thousand dollars was made for this purpose from the town treasury. The committee appointed to carry on the work was instructed to limit its expenditure to this amount, unless further appropriations were made.³³ The plans called for a building the central section of which was to be "forty feet by forty feet and three stories high exclusive of the basement, and the wings, thirty eight feet by thirty eight feet and two stories high exclusive of the basement."³⁴

A week after the decision of the town meeting and the consequent appointment of a committee, the latter reported its progress to a town meeting. It was then voted to obtain the five thousand dollars by a loan from banks in the town provided the sum could not be hired on better terms from "individuals or other Persons." Twenty per cent of the principal, plus the interest, was to be paid annually.³⁵

Minute details of the erection of this building were supervised by

³² Letter from Edward A. Lawton, Esq., published in J. V. N. Yates, *Report of the Secretary of State in 1824 on the Relief and Settlement of the Poor* (reprinted in *Thirty-fourth Annual Report of New York State Board of Charities, 1900*, pp. 1081-83).

³³ Record, Town Meeting, March 1, 1819, quoted in Records, Committee. The final bill rendered for the expense of the building, including \$25 allowed to the secretary of the committee, was \$6,940.39 (Records, Committee, February 15, 1821).

³⁴ Records, Committee, March 2, 1819.

³⁵ *Ibid.*, March 8, 1819.

this voluntary committee. Change of plans in making glass windows seven by nine instead of ten by twelve feet, provision of water supply, width of partitions, supply of hinges, and many such details were carefully voted upon and recorded. Disagreement is indicated by the record of one of the committee having "receded from his vote to have full windows in the coop room."³⁶ To prevent further difficulties on this question a paper was handed around for signatures authorizing the coop-room windows. The coops were to be placed on the first floor, the windows barred with iron on the inside to prevent "disorderly persons who [might] be confined in them from injuring them."³⁷

In order better to facilitate the supervision, the building committee was divided into four subcommittees of two persons each, one of which should visit the asylum at least twice per week. In order that no misunderstandings might arise, a definite schedule of visiting dates was recorded.³⁸

On June 25, 1819, the cornerstone was laid with befitting ceremony, a procession of dignitaries included:

St. Johns Lodge No. 1 (including the grand master), Officers of the U.S. Army and Navy, Members of the State Legislature, Members of Congress, The Rev'd. Clergy, Citizens and Strangers, Honorable Town Council and Town Clerk, Town Committee to superintend the Building of the asylum, The Grand Lodge of the State of Rhode Island (including the grand master). Refreshments were provided by the building committee.³⁹

In November the town meeting voted that the building committee be authorized "to digest a plan of government for the asylum."⁴⁰ The plan suggested was adopted in March, 1820.⁴¹ It is worth while to note in some detail the report of this plan, made after the most "attentive investigation" of the plan of government, rules, and regulation of similar establishment in other states, which had led to the opinion that "the great utility contemplated by the establishment can only be attained by good regulations, strictly adhered to and carried faithfully into effect."

³⁶ *Ibid.*, March 9, 1819.

³⁸ *Ibid.*, May 13, 1819.

³⁷ *Ibid.*, June 27, 1819.

³⁹ *Ibid.*, June 15, 1819.

⁴⁰ Records, Town Meeting, quoted in Committee Report, November 29, 1819.

⁴¹ *Ibid.*, March 16, 1820.

PLAN OF GOVERNMENT ADOPTED

The plan adopted for government included a board of commissioners of nine freemen, serving free of expense, to be appointed by the town. The terms of office were to be of unequal length, not expiring simultaneously. Power was given to this board to appoint its own chairman, to employ the keeper, the agent, the physician, and other officers as found necessary, and to make such rules as seemed expedient. The board was to meet once per month at the asylum, but members were to visit once per week on a schedule. A yearly report was to be made to the town council, to be afterward given to the town meeting.⁴² Formal "Rules of Decorum and Debate" were also passed for the conduct of the meetings. Among these were included such regulations as the following:

Any Gentlemen addressing the chair [might] sit while making his observations.⁴³

No member of the board [should] speak more than once on the same question until every member choosing to speak [should] have spoken.⁴⁴

Upon submission by Newport of the plan of government to the general assembly, that body indicated its approval by the passage of an act adopting the suggested provisions.⁴⁵ The transfer to the board of certain administrative functions hitherto exercised by the overseers of the poor was also provided for, and the authority of the board was made superior in all matters concerning the asylum. The action of the overseers was further limited by the provision in this act that "one or more" might be substituted for "two or more" overseers, and that all of their decisions relative to binding out poor children, as well as commitments to the asylum, should be signed by one or more members of the town council. The town kept supervision of the asylum by the right to make by-laws for its government and by the further provision that nothing concerning the

⁴² The reports from this time on become "The Records of the Commissioners of Newport Asylum," March 22, 1820.

⁴³ *Ibid.*, Rule 2.

⁴⁴ *Ibid.*, Rule 4.

⁴⁵ "An Act Relating to the Overseers of the Poor and Asylum in the Town of Newport," *Acts and Resolves Passed at the General Assembly of the State of Rhode Island and Providence Plantations . . .*, May, 1820, pp. 15-16. (Hereafter referred to as *Acts and Resolves*.)

asylum should be voted on in town meeting unless notice of such business was included in the warrant and published in the newspapers.⁴⁶ In spite of the statement of relationships between the commissioners and the overseers in the act, a further act indicating the presence of some conflict in authority was passed by the town. This provided that the applicants for admission to the asylum were to be admitted through the overseers of the poor to the board of commissioners, who had "power and authority" to admit and dismiss. A copy of the order of the board attested by their secretary was then sufficient authority for the keeper to accept or dismiss inmates. An exception was made only of such persons as were admitted by a warrant of the overseers signed by one or more of the town council, or of those taken out to be bound by the overseers under the direction of the town council "as prescribed by law." Power to bind out both children and adults committed to the asylum was the responsibility of the overseers, although the indenture should be signed by the town treasurer or the president of the council.⁴⁷

With plans for the organization of the almshouse completed, the next duties of the board of governors included those of obtaining a keeper for the asylum and the making of rules for its daily routine.⁴⁸ The first was to be done by inserting an advertisement in the papers asking for bids. The plan included the payment of a per capita sum per week, to be paid to this keeper for board, rather than the payment of a salary. In addition, the contractor was to have the use of most of the land for farming, and the labor of the paupers. The bill of fare and the quantity and quality of clothing were specified in the contract. The clothing, however, was provided by means of a separate bid and was not the responsibility of the keeper.

RULES OF MANAGEMENT

Other specification adopted included the stipulation that the keeper have at least twenty-five hogs at all times. He was, furthermore, entitled to half the net profits of all articles manufactured by the labor of those under his charge. The stock, machinery, and

⁴⁶ Records, Committee, July 28, 1820.

⁴⁷ *Ibid.*, September 20, 1821, dated April 18, 1821.

⁴⁸ *Ibid.*, March 24, 1820.

implements for this manufacture were provided by the town, but kept in repair by the keeper, who was also required to render a "particular account of all stock received and articles made as also of all the produce of the Island."

The duties of the keeper in relation to the poor were stated thus:

To receive all persons sent to the asylum by proper authority and no others, without consent of the Board and [was] to board them agreeable to the under-written bill of fare, and to have the entire care of them in health and sickness and to bury the dead in a decent manner (unless relieved of the latter charge by relatives or friends of the deceased).

Specific directions for cleanliness were outlined, including white-washing of the interior of the building twice per year. Labor for cooks and household service (except nurses and washerwomen) was to be selected by the keeper, but he was allowed no board money for them.

In addition to these general specifications in the contract, detailed regulations for the routine of the daily life were made by the board. The bill of fare included a list of the food to be provided each day during the week, thus for "Breakfast and supper": "rye and indian Bread and milk Porridge, every day in the week. Dinners on Sunday were to consist of salt beef; on Monday, Tuesday, and Thursday, soup; Wednesday, pork and beans; Friday, hasty pudding and molasses or milk; Saturday, the menu at dinner was to be varied by fish, salt or fresh. Furthermore, during the fishing season the keeper was at "liberty" to substitute fish in the place of soup, or pork and beans, once a week. On the salt-beef days "no parts of heads or shanks [should] be used." In addition to these items, bread and vegetables were to be supplied "every day at dinner, in sufficient quantities."

The time of rising, of meals, arrangements for daily sweeping, for laundry, for admission of visitors, for labor of inhabitants, for necessary punishment, relationship between the sexes, care of the sick, were all regulated by the board. Some of these rules are worth examining in order to learn the nature of the treatment given the poor in institutions at this period.

Conduct on Sunday was to differ from that on weekdays, when, instead of going to "respective labours," the inmates were ex-

pected "to put on their best apparel and at a time appointed repair to the chappel and there behave themselves with decency and sobriety." No noise or disturbance was to be allowed in any part of the house, and the day was to be "strictly observed, as set apart both from recreation and unnecessary labour." Any person who absented himself from divine service was subjected to prompt and severe punishment.

No bread or other food was to be taken away from the tables at mealtime, and no loitering on the way to and from meals was permitted. Everyone was to "proceed with alacrity."

Visitors were allowed only on Wednesday between "sunrise and sunset," except friends and relatives of the sick, whom the keeper might admit at other times. No money might be presented to any inhabitant except "through the hands of the keeper," and "the inhabitants of the house were strictly forbidden to beg either *within* or out of the house."

As a reward for the faithful and cheerful performance of allotted tasks, the inhabitants were to be granted "such indulgences" according to merits as the "keeper with the advice of the commission should deem expedient." Although communication between the unmarried males and females was strictly forbidden, later problems of birth of illegitimate children showed the lack of enforcement of this rule. The rule pertaining to disorderly conduct included the following prohibitions:

drunkenness, disorderly conduct, profane or indecent language, theft, embezzlement, waste of food or manufacturing stock, or any other waste whatsoever, and no rum or other ardent spirits on any occasion or on any pretence whatever [was] permitted to be brought onto the islands without the consent of the commissioners.

Naturally, provision for punishment of infraction of rules was provided. Thus:

The keeper will be vigilant in detecting every negligence or willful violation of these rules and will promptly inflict the most exemplary punishment, at the same time those who conduct[ed] well [would] receive the kindest treatment and every reasonable indulgence.

Solitary confinement was enforced for "highly criminal conduct." In this case, the prisoner was debarred from seeing or conversing

with anyone except the keeper and the "persons employed by him to supply their wants." They were subjected to the "severest privations, their food [should] consist of bread and water solely." Any inhabitant of the house who in any way communicated with the prisoner was subjected to similar punishment. All persons confined were to be searched and every "implement" taken from them. It should be remembered in connection with these regulations that this institution was for the care of the poor and not for punishment or confinement of law-breakers.

LITTLE DISTINCTION BETWEEN INSTITUTIONS FOR
RELIEF OF THE DESTITUTE AND FOR
PENAL OFFENDERS

It will have become apparent from reading these rules that there was no clear-cut distinction between the early asylums and the workhouses. Provisions generally in effect at this period permitted⁴⁹ the commitment of disorderly, drunken, or riotous persons to either of these institutions.⁵⁰ Almshouses, workhouses, and bridewells were all used for the commitment of "idle and indigent persons as [were] likely to become chargeable." The overseers had power to grant warrants for the taking up of such persons as could not give good accounts of themselves.⁵¹

Reference has already been made to the use made of the workhouses for the punishment of such transients as were found destitute, either before being sent out of town or after return without consent.⁵² It is apparent, moreover, that the principle of deterrence influenced, largely, the methods of both care and discipline in these asylums. The penalties for running away and for disobedience of rules as well as the general daily routine, indicate how little difference existed in the minds of these early administrators between the needs of an institution for the treatment of persons convicted of penal offenses and of those whose only "crime" was destitution.

⁴⁹ Acts with similar titles and provisions regulated institutions in other towns. For Bristol, see *Acts and Resolves*, June, 1823, p. 19; Portsmouth, *ibid.*, June, 1832, pp. 42-45; North Providence, *ibid.*, January, 1836, pp. 63-65; Smithfield, *ibid.*, October, 1837, pp. 49-51; Cumberland, *ibid.*, January, 1839, p. 36.

⁵⁰ *Public Laws*, 1810-21, p. 194: North Providence (June 23, 1815).

⁵¹ *Acts and Resolves*, June, 1823, p. 19.

⁵² See above, chap. vii, pp. 147, 156.

METHODS OF CARE PROVIDED

After the removal⁵³ of the poor from the old almshouse to the new asylum, there may be observed interesting indications of the kind of care given and the development of administrative plans and policies.

The question of supplies to be purchased frequently arose with discussion as to quality. Thus when the question of a choice of beds came up, the decision was made to buy "Bunks well made" for \$0.90 each in place of "cotts with sacking bottoms" for \$1.75,⁵⁴ and, again, an interesting inference is contained in the vote to purchase one dozen common chairs for the use of the poor in the asylum "and one sett of chairs suitable for the commissioners' room."⁵⁵

Similar questions involving a choice between expenditure or comfort seemed always to lead to arguments and frequently resulted in the postponement of the provision for comfort. Such an issue came up when it was proposed to establish a school for the poor children at the asylum as well as for the keeper's children. The problem was how to do this "without expense to the town for firing."⁵⁶ The solution came a week later by a vote to appropriate the commissioners' room for this purpose during the winter.⁵⁷ However, the effort to provide means of heating the "dieting room" was not so simply solved. A motion to instal a stove was voted down in December (the secretary of the committee expressed his attitude by inserting three exclamation marks after the record).⁵⁸ Two years later this question was brought up again and, although postponed to a later meeting, it was at that time voted to furnish a stove and pipe for the "eating room."⁵⁹

⁵³ Records, Committee, Tuesday, July 11, 1820: "The Poor at the old Alms House having been prepared for removal, were this day attended by the commissioners of the asylum, removed from the old Alms House to the Newport Asylum on Coasters Harbour Island and their names etc. (there being thirty-eight in number) were recorded in a Register kept for that purpose. The report of the secretary for the first nine months indicates the nature of these first residents: "Eighty two persons of whom fourteen have been discharged, five have died, three have absconded, one taken off by the sheriff on execution, and there are now fifty nine there, twelve white men, thirty white women, six white boys, one white girl, four Black men and six Black women" (*ibid.*, March 3, 1821).

⁵⁴ *Ibid.*, May 1, 1820.

⁵⁷ *Ibid.*, November 23, 1820.

⁵⁵ *Ibid.*, July 13, 1820.

⁵⁸ *Ibid.*, December 21, 1820.

⁵⁶ *Ibid.*, November 16, 1820.

⁵⁹ *Ibid.*, November 2, 1822; November 21, 1822.

FORMS OF MEDICAL CARE

The necessity of providing medical care led to the appointment of a committee to procure information necessary for "maturing the Medical Department" of the asylum.⁶⁰ This committee solicited bids from the physicians, with the result that Dr. Charles Cotton was chosen physician and surgeon for one year at a salary of \$100, "to visit the sick at the asylum at least once in every week and as often besides as his services may be required." In addition, the commissioners were to furnish the medicine used.⁶¹

In 1824 it was recorded that Dr. Cotton had "expressed his satisfaction to receive such compensation for his services as the Board may deem sufficient." Accordingly each commissioner indicated by ballot the sum he thought "competent," whereupon \$76.66 per year, being the average of the sums listed, was voted.⁶² However, the following year Dr. Cotton refused to accept the \$80 offered him, whereupon \$100 compensation was voted for his "arduous duties."⁶³ Some disagreement also had arisen over the responsibilities included in his contract. It was voted, therefore, that he be required to care for all persons in the asylum and all in the town who were contemplated being sent to the asylum.⁶⁴ An instance of specialized care was found in the decision to "obtain benefits" of the New York eye infirmary for a blind inmate at the asylum.⁶⁵

That the asylum was not entirely dependent upon the services of Dr. Cotton is indicated by the vote to render thanks to a "gentlemen of Philadelphia" for a present of two bottles of "Painaccea" for the use of the asylum.⁶⁶

Concern over the danger to the wards of this institution, of the proximity of smallpox-infected vessels, was indicated in minutes of the Board of Health of the town of Newport. In 1830 this group authorized its president to determine the distance from the asylum the quarantine vessels should be placed in order that "the poor that [might] be lodged in the asylum [might] not at any time be in the remotest degree endangered by such vessels."⁶⁷

⁶⁰ *Ibid.*, July 13, 1820.

⁶¹ *Ibid.*, July 20, 1820.

⁶³ *Ibid.*, June, 1825.

⁶⁵ *Ibid.*, May 1, 1823.

⁶² *Ibid.*, June 11, 1824.

⁶⁴ *Ibid.*, January, 1824.

⁶⁶ *Ibid.*, January 23, 1824.

⁶⁷ MS Minutes of the Board of Health of the Town of Newport, 1819-32, June 2, 1830 (City Clerk's Office, Newport, R.I.).

KEEPER MIGHT TAKE PRIVATE BOARDERS

An interesting situation was found in the practice of allowing the keeper of the asylum to board other persons in addition to those kept at the asylum at the expense of the town. The first example of this was shown when the keeper of the asylum was allowed to receive Sam¹ Royal Pain of Bristol as a boarder on his own account provided he obtains and lodges with the secretary of the Board a certificate from the Town Council of Bristol of his legal settlement in that town and likewise that the said Palmer [keeper of asylum] [agreed] to save the Town harmless from any expense that [might] occur in consequence of receiving said boarder, and to return the said Pain to Bristol whenever required to do so by this Board.⁶⁸

Thus chargeability to the town was safeguarded. A Mr. Thurstone was later permitted to board his "black woman" with Mr. Palmer free of expense to the town provided "he [could] agree with Mr. Palmer."⁶⁹

CARE OUTSIDE THE ASYLUM

While, theoretically, it was expected that upon the building of local almshouses all the poor chargeable to the town would be cared for in them, such did not prove to be the development. While a formal report of the stopping of "out pensioners" in Newport was made in 1820,⁷⁰ there are indications of later cases of allowance of stipulated funds for maintenance outside the asylum. A practice developed, too, of letting out inmates of the asylum either to work for their support or on other terms. Thus, in 1821, it was voted that

Elizabeth Mulligan be discharged from the asylum this morning to live in the family of William Dennis on Prudence Island upon the condition of his paying twenty-five cents per week out of her wages to Gideon Palmer on account on the Town of Newport, or to return her to the asylum if she does not answer his purpose.⁷¹

Two years later it was voted that this same Elizabeth Mulligan be indentured for a year to one Dr. Case, who was required to advance ten dollars "to compensate the town for the clothing she now has in her possession."⁷² At a later meeting the same year the secretary

⁶⁸ Records, Committee, March 15, 1821.

⁶⁹ *Ibid.*, November 28, 1822.

⁷⁰ *Ibid.*, July 1, 1820.

⁷¹ *Ibid.*, September 3, 1821.

⁷² *Ibid.*, December 5, 1823.

was directed "to advertise as one of the public paupers Lucy Marsh and her infant child" to be hired for one year.⁷³

More general efforts to relieve the town from responsibility for care of the destitute was shown in 1829 when provision was made for the appointment of a committee for the purpose of drafting a petition to the general assembly which would ask for authority to delegate to the overseers of the poor (with the advice and consent of the town council) power to "ship on such voyages" as was thought proper those who had become chargeable to the town.⁷⁴

It seems that the wards of the asylum were permitted to bring with them furniture and other possessions, as an item in the minutes required an invoice from the keeper of such property once per year.⁷⁵ This property was apparently at the later disposal of the town as provision was made for the effects of one Sarah Stevens—consisting of a bed, bolsters, two pillows, bed quilts, and tablecloths—to be reserved for the use of the asylum, while the "ballance"—a trunk, "bonnett box, crape gown, Petticoat and great coat"—were to be delivered to one Mr. Mumford for the use of his daughter.⁷⁶

METHOD OF PUNISHMENT

Having noted the regulations regarding the punishment of persons cared for at the asylum, it is worth while to see the extent to which such regulations were carried out. The "coops" referred to in the building plans were apparently used to serve two purposes—that of punishment and for confinement of the insane, as they were also spoken of as "maniac cells."

Not until five years after the asylum was in use was there any evidence of a weight and chain. In 1825, however, the purchase of one was voted, when Thomas Burroughs was ordered to be confined in the "coop" until the other method of detention was available.⁷⁷

On October 27 Joseph Stevens was ordered to be confined in a coop and allowed nothing but bread and water until further orders.⁷⁸ Three weeks later Mr. Stevens' discharge was ordered, with the provision that if he was disorderly in the future he should be con-

⁷³ *Ibid.*, December 12, 1823.

⁷⁴ *Ibid.*, December 18, 1829.

⁷⁵ *Ibid.*, January 18, 1824.

⁷⁶ *Ibid.*, September 3, 1824.

⁷⁷ *Ibid.*, August, 1825.

⁷⁸ *Ibid.*, October 27, 1825.

fined in a coop at the old almshouse and at the same time be reported to the town council, "who might dispose of him as they saw fit."⁷⁹

During the period under consideration, several children were born out of wedlock to inmates of the asylum. The action taken by the commissioners in relation to this is stated thus:

Whereas Fanny Dunwell and Binah Waterman have by illicit intercourse with the male inmates of the House at Coasters Harbour, become mothers of bastard children to the expense and disgrace of the institution, Voted and Resolved that the said women be confined to their Rooms every night from sunset until sunrise in the morning until further orders from this Board.

The father of one of the children was to receive the same punishment.⁸⁰

A real problem of discipline was that of preventing runaways and of providing for their return. Various efforts to control communication with the mainland were made in an attempt to solve that problem. The board voted to hold the keeper accountable for the return of "all such persons [belonging to the asylum] and [might] by his permission leave the Island and also for any expense that [might] arise in consequence thereof."⁸¹ Later, however, it was voted to prohibit anyone from leaving the island without the permission of the board.⁸² In addition, those who ran away must suffer a penalty. Thus, in 1823, a committee was appointed to employ a constable "to recover James Anthony and deliver him to the keeper and to pay him for this service when performed, fifty cents." The runaway, however, was to be confined in the coops a fortnight upon an allowance of bread and water.⁸³

ASYLUM LABOR

The plans for securing the product of the labor of inmates affords an interesting part of the history of the early almshouse. In Newport a committee of the board was appointed to prescribe the hours of labor and to assign the inmates to their tasks.⁸⁴ The first report issued by the committee on "Internal Industry" shows the nature

⁷⁹ *Ibid.*, November 16, 1825.

⁸² *Ibid.*, November, 1824.

⁸⁰ *Ibid.*, August 15, 1822.

⁸³ *Ibid.*, April 24, 1823.

⁸¹ *Ibid.*, February 14, 1822.

⁸⁴ *Ibid.*, August 30, 1820.

and amount of the work for nine months following the establishment of the almshouse:

The articles made from the raw materials by the people at the asylum up to the present period is as follows.

63 pair stockings, 29 pr. Ditto (new) footed

1062 yards flannel

186 yards Tow cloth

Linnen-yarn in various stages of preparation for the loom sufficient for about 100 yards more tow cloth. A considerable parcel of cotton yarn (filling) and some woolen yarn from the coarser wool reserved for blankets.

All the above articles with the exception of a small quantity of fine flannel sold, and two pair stockings on hand has been appropriated to the use of the house. The flannel for women & children's clothes, the tow cloth for bags, towels, sheets, and pillow cases and each person is furnished with two pairs of stockings. It is proper to remark that the clothes, bedding etc made from the above cloth was done by the labour of the inmates of the house with the assistance and direction of the keeper and his family, free of expense to the town.

In addition to the above there has been about 1000 lbs of oakum picked by such persons as are incapable of other labour.⁸⁵

There is no indication of the amount of money received for the products sold, but the cost listed for the item of manufacture was \$219.48.⁸⁶ Later reports show, however, that this labor did not render large financial returns. Thus, in 1823, \$68.83 was received from the sale of manufactured articles,⁸⁷ while in 1824 the profits were \$82.45, one-half of which, however, belonged to the keeper.⁸⁸

In addition to the manufactured products, the keeper reported the produce of the farm for the first nine months of occupancy to have been as follows:

Hay 5 tons, Pumpkins 2000, corn 100 bushels, oats 210 bushels, onions 10 bushels, carrots 30 bushels, turnips 20 bushels and beets 20 bushels. The stock kept on the farm included 4 oxen, 4 cows, 4 young cattle, 35 sheep, 1 horse and pork 1687 pounds.⁸⁹

ASYLUM EXPENSES

The following abstract of expenses for the corresponding period gives an interesting picture of the comparative amounts spent for the various items. It should be noted that the proportionately high

⁸⁵ *Ibid.*, March 29, 1821.

⁸⁸ *Ibid.*, April 3, 1824.

⁸⁶ See below, p. 186.

⁸⁹ *Ibid.*, March 31, 1821.

⁸⁷ Records, Committee, April 2, 1823.

figure for improvements was due to the fact that this was the beginning period of occupancy of the farm and certain permanent fences, clearing of land, and other improvements were necessary.⁹⁰ It is impossible to estimate the per capita expense for this period, as the record of admission of the eighty-two inmates does not give their length of stay.

It will be noted that this was a decrease of one-third over the expenditures reported by Mr. Lawton in 1819, who says, in regard to this decrease: "*The improvement of the condition of the poor, in order, sobriety, cleanliness and real comfort, has been increased in as great a degree as the expense decreased.*"⁹¹

TABLE I*

ABSTRACT OF EXPENSES OF THE NEWPORT ASYLUM FOR THREE
QUARTERS ENDING MARCH 31, 1821

	Board	Clothing	Furniture	Improvements	Incidental Expense	Manufacturing	Medical Department	Total Amount
1820 Sept. 30.....	\$292.52	\$127.20	\$149.51	\$540.38	\$143.07	\$149.57	\$ 2.25	\$1,404.50
1820 Dec. 31.....	340.60	56.17	111.68	404.42	69.15	23.52	93.98	1,099.52
1821 March 31.....	332.76	102.58	26.83	8.09	73.54	45.29	49.59	638.68
Total . .	\$965.88	\$285.95	\$288.02	\$952.89	\$285.76	\$218.38	\$145.82	\$3,142.70

* "A True Abstract from the Books," D. Melville, secretary to the board (Records, Committee).

Mr. Lawton, in the letter previously quoted, also makes some observations on the score of industry:

Several of the most idle and abandoned women, who were totally incapable of earning an honest livelihood (being totally unacquainted with any kind of

⁹⁰ Records of the contracts made with the keeper indicate that certain of the improvements, such as clearing a stipulated amount of land per year, were to be done free of charge; on the other hand, he was paid "\$2.00 per Rd for building 40 Rods of stone wall" (*ibid.*, November 23, 1821).

⁹¹ Yates, *op. cit.*, p. 1082. Later reports show decreased expenditures. Thus for the year ending April, 1823, the sum was \$2,694.21 (Records, Committee, April 2, 1823), and the following year \$2,199.12 (*ibid.*, April 3, 1824).

household work) have been taught to cord, spin and weave, and to perform such kinds of ordinary labor as is required in farmers families; and under the care of the commissioners, have been allowed to procure employment in the country, and are now living respectably upon the fruits of their industry.⁹²

The importance of this system of industry would seem too obvious, to require any remark; and yet it is much greater than was anticipated by many well informed and judicious persons. Independent of the saving of expense which arises from it, it has been among the most important, and most efficient means of supporting the good order and good government of the institution.⁹³

CARE OF THE POOR IN EXETER

Similar problems concerning the care of the poor were faced and solved in other towns during this same period, although the dates of the establishment of asylums varied considerably. Thus in Exeter the authorities continued the policy of letting out the poor into the latter half of the century, until a home was given, with an endowment, for the use of the town as an asylum. Thus, in 1828, appears the item of a bill for helping to "apprise the Poors Clothing in 1827 and 1828 it being too different times." The total amount for this task was \$2.00.⁹⁴ In 1831 the sum allowed for care of all the poor, except one man, was \$350. This man was cared for separately for \$65 per year, thus making a total expenditure of \$415.⁹⁵ However, the following year the council "voted and put out the poor of the Town all that is now on or that may come on the town for one year" for \$475.⁹⁶ Other expenses listed were for moving poor to the keeper, as:⁹⁷

The Town of Exeter to Pardon T. Greene Dr.	
to mooving Ruth Dawley one of the poor to the keeper of the	
poor	\$0.50
to going to Perry Dawley with an ox team	1.25
to moove her goods	1.75

A bill allowed in 1856 for \$100 for three months "keeping and supporting the poor" indicated a contract of \$400 for that year.⁹⁸

⁹² Yates, *op. cit.*, p. 1083.

⁹³ *Ibid.*, p. 1082.

⁹⁴ MS Exeter Papers (unclassified and unbound; Rhode Island Historical Society, Providence).

⁹⁵ *Ibid.*, June 11, 1832.

⁹⁶ *Ibid.*, Minutes of Town Council and Probate Court, June 11, 1832.

⁹⁷ *Ibid.*, Memorandum, January 4, 1832.

⁹⁸ *Ibid.*, Memorandum, June 9-September 9, 1856.

TIVERTON "LETS OUT" THE POOR

A decision to purchase a farm was reached in Tiverton by a similar process of trial and error in methods of letting out the poor. In 1820 the town meeting voted that "all persons who [were] chargeable to the Town of Tiverton for their support be committed to the charge of some suitable person who [would] keep them for the least," and that the overseers by advertisement "request those persons who may be disposed to take the poor to send their proposals sealed to the overseers aforesaid." The overseers in this town were delegated, with the advice of the town council, the authority to carry this out.⁹⁹ The following orders, however, indicated that not all persons supported by the town were under the care of one contractor, and, furthermore, that varying amounts were paid for individual cases:

No. 45	To Allan Durfee in part for keeping the poor.....	\$6.00
No. 46	To Allen Durfee in part for keeping the poor.....	8.00
No. 52	To Allen Durfee in part for keeping the poor.....	4.00

and so in sums ranging from \$4.00 to \$25 separate orders were issued to Mr. Durfee.

No. 61	To Ichabod Simmons for medicine to Mary Fish....	\$22.00
No. 62	To Daniel Currier for clothing for Thomas Negus...	1.90
No. 63	To Stephen Crandell for making a coffin for John Dennes 2nd.....	2.50
No. 65	To Cornelius Seabury & son for goods handed out to the poor.....	15.33
No. 67	To Joseph Healy for keeping his wives child charged on William Cook..	8.50

The total amount of bills ordered paid for the fiscal year 1822-23, of which these formed a part, was \$1,343.42.¹⁰⁰

For the ensuing eight years there was, as in Scituate, a series of changes between letting the poor to one man and individual care. Frequent moves for the poor were indicated by the number of persons to whom their care was assigned.

Particular provision was made in Tiverton for the assurance of security for responsibility in the so-called bastardy cases. Bonds of

⁹⁹ MS Minutes, Town Meeting (bound). Tiverton references hereafter referred to are in MS (bound). Town Clerk's Office, Tiverton, R.I.

¹⁰⁰ Records of Overseers of the Poor, pp. 7, 11; see below, p. 190.

indemnification were¹⁰¹ carefully recorded and signed agreements required from the "reputed fathers." Thus:

Green Manchester to the Overseers of the Town of Tiverton Dr. [debtor] being adjudged the Reputed Father of a bastard child born of the body of Lydia Lake on the 25th day of October 1832 and being obligated by his bond for the performance of an order requiring him to pay the sum of \$23 for the first four weeks and after the weekly sum of 50¢ as long as said child shall be chargeable.

Credit for \$40.75 from Mr. Manchester was recorded. This included \$18 for lying-in charges and expenses for the child's care until its death on August 1, 1833.

DECISION TO PURCHASE A TOWN FARM

Steps toward the establishment of a town farm were begun in 1830, when it was resolved in a town meeting to appoint a committee of three persons to ascertain the average annual expense of supporting the poor for the last five years, with the number supported each year; the cost of a farm or suitable land and building for the purpose of keeping the poor thereon; and "as far as possible the difference in the expense of supporting said Poor in the manner now pursued and in the method of keeping them on a farm."¹⁰² This resulted in a decision to purchase a farm not to exceed \$3,000,¹⁰³ although \$1,300 was appropriated at a later meeting.¹⁰⁴

Although the plan for the administration of the farm at Tiverton was much less formal and elaborate than the plan for Newport outlined above, a clear distinction was made between the duties of the overseers of the poor and the committee on management of the farm. Each of these administrative bodies was responsible to the council for their accounts. However, as has been previously noted, this provision was a mere formality in this case of the overseers, as the personnel was identical with that of the council.¹⁰⁵

¹⁰¹ One item of the records of the overseers of the poor was headed "A list of bonds & orders in cases of Bastardy &c." This was followed by two columns of names, one headed "Bonds of Indemnification" and the other, "Bonds To Perform Orders." There were also several pages of signed agreements of "reputed fathers" to discharge their responsibility (*ibid.*, p. 3).

¹⁰² Minutes, Annual Town Meeting, Tiverton, June, 1830.

¹⁰³ Minutes, Adjourned Town Meeting, Tiverton, October, 1830.

¹⁰⁴ Minutes, Town Meeting, Tiverton, March, 1831.

¹⁰⁵ *Ibid.*, November, 1832.

The keepers of the farm were chosen by the committee, the salary, plus living, ranging from \$225 to \$360 per year. An interesting complication was later indicated in the contracts between the keeper and the committee, showing an effort to prevent these officials from obtaining free care for persons not entitled to receive it. Thus the statements regarding the number of persons in the keeper's family and a final provision that the family of the keeper was not to consist of more than four persons.¹⁰⁶

The payment of salaries, however small, to the overseers of the poor and to the managing committee of the almshouse or, as they were later called, the "agents" of the farm, came early in Tiverton. The responsibility varied from time to time between the town meetings and the town council and a specially appointed agent with salary of from \$20 to \$25 per year, or the election of several men to serve without pay as farm managers.

Medical care at Tiverton was provided by contract as elsewhere during the period, although the amount paid to the physician was considerably less than in Newport. In 1850 an agreement was reached with one Dr. Thomas Wilbur to attend "on all the sick paupers or such as require[d] and neede[d] aid from the town and to furnish them with all necessary medicines, wines and Spiriteous Liquors" for \$30 per year.¹⁰⁷ These small fees continued into the last half of the century as, in 1857, the contract was let for the same amount with the specific statement that the medical attendance should include "the Poor under the overseers and at the asyllum."¹⁰⁸

OUTSIDE CARE CONTINUED

Tiverton continued with considerable provision for the poor outside of the almshouse, although a decrease in expenditures followed its establishment. Thus in certain fiscal years (June to June) the amounts of orders issued by the overseers were as follows: 1822-23, \$1,343.42;¹⁰⁹ 1827-28, \$1,122.48;¹¹⁰ 1830-31, \$1,491.84.¹¹¹

In 1832-33, however, \$316 was expended for "outdoor" care,¹¹²

¹⁰⁶ *Ibid.*, January 5, 1885.

¹⁰⁷ Minutes of Overseers of Poor, Tiverton, October 7, 1850.

¹⁰⁸ *Ibid.*, February 2, 1857.

¹⁰⁹ *Ibid.*, p. 11.

¹¹⁰ *Ibid.*, p. 37.

¹¹¹ *Ibid.*, p. 56.

¹¹² *Ibid.*, p. 62.

whereas \$551.81 was allowed for farm expenses.¹¹³ For the next five years the annual farm expenses ranged from \$350 to \$580, the keeper's salary comprising from \$224.96 to \$250 of this amount. Thus with sums still averaging around \$300 for outside orders, an annual saving of from \$400 to \$500 was indicated. This, however, took no account of the capital invested in the institution.¹¹⁴

During the next decade a slight increase in outside care is indicated in bimonthly approval of bills ranging from \$37 to \$100, for special individual allowances, for wood, for special medical service, for nursing, and for the support of "sundry poor."¹¹⁵

SIMILARITY OF EARLY ALMSHOUSES

Although the administration of each town almshouse established during the first half of the nineteenth century was provided by separate acts of the general assembly, there is sufficient similarity to permit of a summary. The fundamental plan of organization included delegation of responsibility to the town to make by-laws and to appoint a board of commissioners, ranging from three to nine in number, whose duty it became to select the keeper. The overseers of the poor were subject to the direction of these commissioners in all matters pertaining to the asylum. In one town, at least, the freeholder who refused to serve when appointed as commissioner was liable to a fine of \$20.¹¹⁶ However, no one would be required to serve more than once out of three years.

A special act in 1837 attempted to prevent intemperance within the almshouses.¹¹⁷ This authorized the town councils or boards of aldermen in the respective towns or cities to prohibit the introduction of spirituous liquors, for the use of the poor, into the buildings in which they were kept. Further provision was made for the right to prohibit the sale or furnishing of such liquor "in any manner directly or indirectly to any of the poor" (probably referring to those being maintained within the institutions). These local authorities were

¹¹³ Minutes of Town Meeting, Tiverton, April, 1833.

¹¹⁴ *Ibid.*, annual meetings, April, 1834-38.

¹¹⁵ Minutes, Overseers of Poor, Tiverton.

¹¹⁶ Bristol; *Acts and Resolves, June, 1823*, p. 19.

¹¹⁷ *Acts and Resolves, January, 1837*, p. 6.

given responsibility for the administration of the act by the right to set penalties for its disobedience, such penalties not to exceed \$20 for any one offense.

PRIVATE TRUSTS ADMINISTERED BY TOWN COUNCILS

Reference should be made to a source of income for administration by the overseers of the poor which, developing in the first half of the nineteenth century, relieved certain of the towns of a part of the tax load. This was the practice of leaving, by will, funds or property for the relief of the local poor—a practice which showed the strength of the belief in the public responsibility for the destitute. Not only should public funds be supplemented from private sources, but the oversight of these privately donated funds should likewise be the responsibility of the town officials.

At the time Mr. Hazard made his study, five such funds were found. In some instances the purposes for which the income of the bequest was to be expended were indicated, as for the establishment of an asylum in Providence, or for the schooling of indigent children in Warren. In other towns the fund was used for the relief of the poor at the discretion of the overseers.¹¹⁸ The number of these trusts has increased since that time, but, while their history would be extremely interesting, it does not belong in this study.

The largest of the legacies and the one which has most affected the care of the poor is the "Dexter Donation." In 1817 Mr. Ebenezer Knight Dexter had been made one of a committee in Providence to consider a method of poor relief and the expediency of erecting a new asylum. Upon Mr. Dexter's death in 1824 he left an estate valued at that time at about sixty thousand dollars for the support of the poor of Providence who had settlement there. Conditions of the will required that the city treasurer keep the fund separate from other town money. A provision of the city charter provided, moreover, that freemen of the city, not less than forty in number, might at any time hold a town meeting for the purpose of transacting business in relation to the property.¹¹⁹

¹¹⁸ Thomas R. Hazard, *Report on the Poor and Insane in Rhode Island, Made to the General Assembly at Its January Session, 1851*, p. 24; see below, chap. ix, pp. 196-205.

¹¹⁹ Howard Kemble Stokes, *The Finances and Administration of Providence*, p. 149; James Quayle Dealey, "Government," in *A Modern City*, ed. William Kirk (Chicago: University of Chicago Press, 1909), p. 147; *Public Laws, 1825-42*, p. 761.

As a means of caring for the poor, Mr. Dexter planned for the erection of an almshouse, surrounded by a stone wall three feet thick at the surface of the ground and eight feet high.¹²⁰ Comments of an early writer denote that this wall was finished in 1840 "in a style honorable to the city," at a cost of about twenty-two thousand dollars.¹²¹ Efforts to change the provisions of the will have not been successful, so there stands today (1935) in the city of Providence a forty-acre farm with the wall of "honorable style" surrounding it.

The relation of this fund to the cost of the care of the poor in Providence has been important, however. Thus for ten years previous to 1858 the income from the fund had supplied \$43,730.13 toward the upkeep of the asylum whereas the expense to the city treasury had been but \$16,532.83.¹²²

No attempt has been made in this study to segregate the receipts from these special funds, from the income from tax money in the discussion of the separate towns' relief to the poor. From whatever source the money came it was expended in relief, and the interest here is in costs. While these funds did mean a saving in taxes, they in no way affected the actual expenditures in relief of the destitute.

CARE OF THE POOR IN PROVIDENCE

Any thoroughgoing study of the development of the care of the poor in Providence would require more space than the limits of this study permit. The growth of the city, with the increase in immigration and the industrial changes, all contributed to the great advance during the first half of the nineteenth century in costs of relief to the poor and consequent changes in methods of care. Relief of destitution formed the chief item of expense during the first twenty years of the period, and a large item during the remainder of the time.

Thus, in 1800, the expenditure for this purpose was more than \$2,700—almost one-third of the regular expenses of the town government. The population at that time, moreover, was but 7,614.¹²³ By 1819 the costs for this service had increased to \$10,000—about two-fifths of the regular town expenses.¹²⁴ During the succeeding decade

¹²⁰ Mary Conyngton, "Philanthropy," in *A Modern City*, p. 291; William Read Staples, *Annals of the Town of Providence*, pp. 389-95.

¹²¹ Staples, *op. cit.*, p. 394.

¹²³ *Ibid.*, pp. 147-49.

¹²² Stokes, *op. cit.*, pp. 218-19.

¹²⁴ *Ibid.*, p. 148.

industrial conditions had improved and other town expenses had increased, so that the cost of poor relief was relatively lower, although until the end of the period it continued higher than any other one item of expense. By 1853, however, the cost of schools and street maintenance had exceeded the cost of poor relief.¹²⁵

Meanwhile the responsibilities of the overseer, who was elected by the general vote, had increased, and the salary had been raised. By 1827 this salary was greater than that of any other town officer except that of the treasurer, which it equaled.¹²⁶ Between 1833 and 1853 it increased from \$250 to \$500 per year.¹²⁷

THE ALMSHOUSE AN EFFORT AT REFORM

Thus it has been seen how the effort toward finding a more satisfactory method of care for the destitute, during the first half of the nineteenth century, resulted in a definite movement toward the substitution of institutional care for the inadequate "outdoor" relief then prevailing. That the results were considered satisfactory at that time becomes more evident in the agitation during the next half-century for the increase or general adoption of this method. One contemporary statement shows the optimism prevalent at this period as to the value of the method of care in the prevention of "pauperism." In Rhode Island and Virginia the ratio of pauperism, in 1824, was said to be less than in New York State, while in "Pennsylvania, Delaware, Rhode Island and Virginia, where the poor-house system [had] prevailed for the greatest length of time, and to the greatest extent, the ratio of pauperism, and of the amount of expenses [was] less than it [was] in any other state in which that system [had] been more recently or partially introduced."¹²⁸

It was not until a recognition of the need for individualized service, plus a knowledge of methods by which this could be rendered, that a possibility of substitution of care either in specialized institutions or in the clients' own or selected homes made apparent the evils of the unclassified and unsegregated almshouse.

¹²⁵ *Ibid.*, p. 165. An interesting comment on causes of destitution during this period was that of the allurements of the gold rush to California which had been responsible for the desertion of wives and families by their husbands (*ibid.*, p. 187).

¹²⁶ *Ibid.*, p. 148.

¹²⁷ *Ibid.*, p. 171.

¹²⁸ Yates, *op. cit.*, p. 943.

CHAPTER IX

ADMINISTRATION OF THE POOR LAW, 1850-1900: EFFORTS AT REFORM

The middle of the nineteenth century marked the beginning in Rhode Island of a period of expressed interest in the methods used in the care of the destitute and handicapped, followed by a recognition of the need for reform. These attitudes were manifested, first, by the provision for the study of the problem and the needs in the care for these groups; and, later, in legislative action based upon the findings of these studies. As was generally characteristic of the nineteenth-century reforms in care of the needy, however, the interest resulted chiefly in the removal of certain handicapped groups from under the provisions of the poor law and in the establishment of specialized care for them. The care for the destitute, on the other hand, remained much as it had been at the beginning of the century. Such effort, moreover, as was directed at the improvement of the care of the destitute, had to do with the prevention of obvious abuses rather than with constructive plans for its betterment. Even when understanding or criticism became articulate in relation to problems arising in connection with the administration of the statutes providing for the care of the poor, the interest was apparently not strong enough to overcome the precedents or traditions of early Rhode Island.

A STUDY OF THE "PAUPER POOR AND INSANE"

The first step in bringing about the reforms of the period under consideration came with the authorization of the governor, through resolution of the general assembly, to appoint a commissioner to study the condition of the "pauper poor and insane persons" in the state.¹ By means of this investigation there was afforded, for the

¹ *Acts and Resolves Passed at the General Assembly of the State of Rhode Island and Providence Plantations . . . , January, 1850*, p. 25. (Hereafter referred to as *Acts and Resolves*.) In 1837 an attempt had been made to learn the number of "deaf and dumb" in the state, together with their degree of education and their pecuniary condition. The method had been that of sending out questionnaires to town clerks and returns were received from twenty towns (*ibid.*, January, 1836, p. 28: "Resolution"; *ibid.*, October, 1837, p. 64).

first time, an official visit, by a state representative, to each almshouse. In addition to the personal visitations, questionnaires² were sent to each town, the answers to which provided specific information regarding the care given, both inside and outside of the institution. The two reports made by the commissioner, Mr. Thomas R. Hazard,³ provide material both for an analysis of the form of care given to the handicapped and destitute at that period, and for contemporary judgment of its adequacy.

The preliminary report, which was made in October, 1850, included chiefly the testimony of one Joshua Babcock, "a sane and sensible pauper of the town of Westerly." Mr. Hazard believed that by showing the "terrible acts of cruelty" suffered by this man the public would be made aware of some of the abuses found in the care of the poor. Mr. Babcock's story included not only events of his own treatment but that of neglect and inhumanity in relation to other poor persons under the care of the same keeper.⁴

From the completed report,⁵ however, is gained the picture of lack of uniformity in methods and standards of care which prevailed throughout the state. While the use of local almshouses prevailed, the practice was also found of "venduing" the poor to the lowest bidder, all to one keeper, or each person or family separately. In some places the almshouse was used for the homeless, while some form of "outdoor" relief was provided for families. Table II summarizes the information concerning the fifteen asylums then in operation, and also indicates the variations in capacity, in size of farm adjoining, in the salary given to the keeper, and in the cost of opera-

² See below, Appendix V, p. 323, for a copy of this questionnaire.

³ Mr. Hazard, having made a small fortune through the raising of sheep, had retired to Newport, where he became interested in the inadequacy of and methods for improving the care of the poor and the insane. His biographer says that it was through his investigation and reports that a "revolution in the state and a very general reform" was brought about in the provisions for care of these groups. Mr. Hazard's brothers, Roland G. and Isaac P. Hazard, worked with him in arousing interest and obtaining funds for the establishment of Butler Hospital for the Insane. He was also the author of several books of anecdotes of life in Rhode Island; among them *Recollection of Olden Times* and *Johnny Cake Papers*. See Caroline E. Robinson, *The Hazard Family of Rhode Island, 1635-1894* (Boston: Printed for the author, 1895), pp. 121-22.

⁴ For this report in full see below, Appendix V, pp. 323-25.

⁵ Thomas R. Hazard, *Report on the Poor and Insane in Rhode Island, Made to the General Assembly at Its January Session, 1851*.

tion. It will be apparent to the reader that there was no obvious relationship between either the number of inmates cared for or the size of the farm and the salary given the keeper. It is probable, therefore, that the chief basis for this range in salary of the keeper from \$185 to \$600 per year is found in the ability of some towns to

TABLE II*

TABLE SHOWING THE COST OF MAINTAINING THE POOR IN FIFTEEN
ASYLUMS IN RHODE ISLAND, 1850

TOWNS	KEEP- ER'S SALARY	ANNUAL PROD- UCTS OF ASY- LUM	AVER- AGE NUM- BER OF IN- MATES	WHOLE COST OF ASYLUM AND LAND (OR VALUE)	INTER- EST ON COST OF ASY- LUM	WHOLE AMOUNT APPRO- PRIATED FOR SUP- PORT OF POOR	WHOLE COST OF SUPPORT- ING POOR INCLUD- ING IN- TEREST ON COST OF ASYLUM	COST OF MAIN- TAINING EACH IN- DIVIDUAL	
	Dolls.	Dolls.		Dolls.	Dolls.	Dolls.	Dolls.	Dls.	Cts.
Cumberland....	300	1,000	35	13,000	780	2,000	2,780	79	43
Smithfield.....	400	600	22	8,500	510	1,000	1,510	68	63
Cranston.....	185	400	15	3,500	210	1,500	1,010	67	33
E. Greenwich...	200	335	10	4,000	240	418	658	65	80
Scituate.....	200	851	11	4,952	297	383	680	61	81
N. Providence..	300	545	25	5,200	312	1,200	1,512	60	48
Warwick.....	225	150	14	3,800	228	612	840	60	00
Middletown....			8	1,000	60	400	460	57	50
Bristol.....	200	700	15	6,000	360	500	860	57	33
Warren.....	200	1,000	15	8,000	480	350	830	55	33
L. Compton....	200	550	14	4,000	240	500	740	52	87
Newport.....	325	1,000	80	15,000	900	2,750	3,650	45	62
Providence.....	600		205	40,000	2,400	6,846	9,246	45	20
Tiverton.....	200	500	16	6,000	360	286	646	40	57
Portsmouth....	200		15	5,000	300	30	330	22	00
Totals.....		7,631	500	127,952	7,677	18,775	25,752	....	....

Average cost for each individual per annum, \$51.50.

* Hazard, *op. cit.*, p. 64.

find, in the effort to keep down expenses, a person who would contract at a lower rate to keep the asylum.

While this table shows a wide range from \$22 to \$79.43, average annual per capita cost for maintenance of the poor in these asylums, no indication of corresponding variation in standards can be deduced from these figures. This is due to the fact that the costs are

computed on the basis of cash appropriations made by the towns, which appropriations varied in accordance with the total annual products of each farm and the consequent need or lack of need for additional income.

While the knowledge of the special handicaps of the five hundred inmates of the fifteen asylums must be obtained from Mr. Hazard's tables under the headings of "Causes of Poverty, and Remarks," it is not difficult to gain a picture of the unsegregated and unclassified groups. The lack of provision for specialized care is obvious.

LACK OF SEGREGATION IN THE ALMSHOUSES

Among the inmates listed were eighty-five "insane paupers." Mr. Hazard believed, however, that only sixteen of these needed special care in a hospital for the insane, basing his judgment on the then prevalent attitude that the local almshouse could adequately provide for the "chronic" insane. Another large group found in these institutions was that of almost one hundred children under twelve years of age. In addition to the foregoing classifications, such descriptions as the following abound: "idiots," "old age," "dishonest" [twelve years old!] "rheumatism," "loss of property," "blind," "intemperate," "palsy, always confined to bed or chair," "deaf and dumb," "idiotic and blind," "insane, perfectly harmless, will not hurt a fly," "intemperate parents," "orphans, born on town," "infirm in intellect," "speechless but can hear," "cripple, very intelligent."

NEED FOR PUBLIC OVERSIGHT RECOGNIZED

The caution with which Mr. Hazard reports on the visits which he made to the institutions leads the reader to believe that his descriptions and conclusions regarding comforts and adequacy of care were very generously made. The frequency is notable of such clauses as "seem pretty comfortable," "inmates appeared to a stranger well cared for," "the general aspect not altogether satisfactory." A frequently occurring criticism was that of deploring the distance from a public road of numbers of these asylums. Thus he indicated the dependence upon visits of the general public to serve as a supervisory check upon the administration—"Every citizen of the town should take an interest in their asylum and occasionally visit it"—a greater

probability, he thought, if the institution were on the highway. A further reason given for the desirability of that location for the asylums reflected the inadequacy of the provision for occupation of the wards—the monotony of life for the “old and decrepit” would be broken by the opportunity to view “the passing and the little incidents that [occurred] on the road.”⁶

The harshness of the discipline in these asylums for the destitute was a special concern of Mr. Hazard’s report. Thirteen offenses were enumerated in the rules of the Portsmouth asylum “for the commission of any one of which it [was] made the imperative duty of the commissioner to sentence the criminal to solitary imprisonment in a dungeon, there to be kept on bread and water during his pleasure.”⁷

In addition to these specified crimes and punishments, the commissioners, or any one of them, had authority to punish as they chose any inmate capable of working who refused to do so or who spoiled or wasted anything delivered to him, or violated any orders of the keeper.

Mr. Hazard’s own conclusions as to the injustice of thus treating poverty are worth quoting here.

Now admitting the extremity of poverty to be a crime—in the name and in behalf of the pauper poor of the State, in all seriousness, I respectfully ask you, as conservators of the rights and privileges of the people of Rhode-Island to define what the punishment of that crime shall be.

It seems that there is one town, at least, in the State, who, in virtue of authority delegated by you to them to provide for the care of their own poor, have decided poverty to be a crime of so deep a dye, that any one found guilty of the offence within its jurisdiction, shall no longer be deemed worthy to partake of the inestimable privileges of an American citizen. Henceforth, such persons are taken from under the protection of the institutions of their country, and compelled to submit to laws made especially for their government, and of so severe a character, that for offences so venial as not to entitle them to be reckoned even as misdemeanors in national or state jurisprudence, they are con-

⁶ *Ibid.*, p. 89.

⁷ *Ibid.*, pp. 91-92. These offenses were: leaving the farm without permission, bringing strong liquors or stolen property into the asylum, wilfully defacing walls, breaking windows, injuring the premises, disturbing the house by loud conversation, quarreling, striking or abusing any of the family, behaving disrespectfully toward any persons having care or charge of the house, drinking to excess, thieving or embezzlement, swearing or cursing, lying.

demned to undergo punishments that would be deemed unusually severe for our State courts to impose for the commission of most flagrant crimes. The operation of these arbitrary laws are rendered still more galling from the fact, that their administration is solely entrusted to one person, from whose decision there is no appeal, and who is empowered to act totally irresponsible to any other authority; neither is he obligated to render any account of his acts to any earthly tribunal whatever.⁸

QUALIFICATION OF ASYLUM-KEEPERS

Mr. Hazard recognized, at that early day, the primary importance of the right type of personnel to administer these asylums—"good buildings with convenient arrangement, furniture etc." were secondary. Upon the appointment of the keeper, he believed, the "well or ill being" mainly depended. However, the object aimed at in the selection of the keepers had been too frequently that of "hiring a good laborer for the farm, rather than a good caretaker for the poor." On the negative side, as disqualified for keepers, were placed "hasty, brutal and ignorant" men. "Youth" was, in Mr. Hazard's estimation, a complete disqualification for an asylum-keeper. This belief was based on the attitude that young men would not have the understanding capable of estimating the infirmities or disabilities of old age and would therefore expect too much labor from the old persons in the asylums. Thus he definitely states that "however amiable he may be in character, it is scarcely possible that a young man should be a proper keeper of the poor." Positive qualifications Mr. Hazard defined as at least fifty years of age—"of a gentle and considerate, but of a firm disposition; and that his wife should be of the same character. His mind should have been expanded by reading or by a general intercourse with mankind—and he should have a good knowledge of human nature." All this for a position in which more than half of the salaries were two hundred dollars per year or less!⁹

⁸ *Ibid.*, pp. 92-93. For a discussion of the injustice involved in such practices see Sidney and Beatrice Webb, *English Local Government: English Poor Law History*, Part I: *The Old Poor Law* (London: Longmans, Green & Co., Ltd., 1927), pp. 240-42; *ibid.*, Part II: *The Last Hundred Years* (1929), I, 391-93.

⁹ Hazard, *op. cit.*, pp. 89-91.

MEDICAL CARE AND SCHOOLS PROVIDED

Medical care for these handicapped and destitute people was provided in two ways: by means of contracting with a physician for the care of all at a stipulated sum (in one case twelve dollars per year) or by obtaining the services of a physician when needed.

Separate schools for the pauper children were provided in two of these asylums, while in the others the children attended the district school, which in one case was located on the asylum grounds.

REFORMS IN DISCIPLINE RESULT

Seldom has more immediate and direct action been taken upon the recommendations included in a report than was true in regard to this one made by Mr. Hazard. The same session of the general assembly, to which it was presented, passed an act in almost the exact words of Mr. Hazard's proposed law, prohibiting corporal punishment and confinement in dark rooms or in dungeons, in poor-houses or asylums in the state. All imprisonment was forbidden for a period longer than five days for any one offense authorized by either town-law or asylum regulations, and all cases of close confinement were to be reported to the town council or municipal authority. Finally, the use of chains or bonds for the purpose of confining the limbs was prohibited, except where "necessary" to transfer an insane person to a curative hospital or a criminal to state authorities.¹⁰

CARE IN PRIVATE HOMES INVESTIGATED

Mr. Hazard also investigated the condition of the poor in those towns which maintained no asylums. Although there were sixteen such localities, the number of poor persons so cared for was only one

¹⁰ *Public Laws, January, 1851*: "An Act Regulating the Confinement and Discipline of the Poor," secs. 1-3, p. 815. At the same time measures were taken to assure more adequate care of the insane, but as the treatment of this group is not considered in this study, these provisions are omitted here. See also Hazard, *op. cit.*, pp. 106-10. An interesting exception to the new regulations was allowed in an amendment passed in June of the same year. This provided for the permission to confine Benjamin Irish, an insane pauper, in the asylum at Portsmouth, under the direction of the town council, for a period of not longer than thirty days at a time (*Acts and Resolves, June, 1851*, p. 50).

hundred and seventy-one as compared to five hundred in asylums. In spite of the arguments of "economy" advanced as a reason for the towns to establish asylums, it will be seen from Table III that the

TABLE III*

TABLE SHOWING THE COST OF MAINTAINING THE POOR IN 16 TOWNS
THAT HAVE NOT ASYLUMS (RICHMOND NOT INCLUDED
IN THE ADDITION), 1850

TOWNS	NUM- BER OF POOR	ANNUAL SUM PAID BY TOWN	COST PER INDIVID- UAL		MODE OF KEEPING THE POOR
			Dls.	Cts.	
Hopkinton	15	\$1,000	66	66	Put to person who will keep them for the lowest sum
Glocester	15	900	60	...	Put to person who will keep them for the lowest sum
Jamestown	6	350	58	33	Boarded out by contract
Burrillville	10	550	55	...	Put to person who will keep them for the lowest sum
N. Kingstown	11	600	54	54	Boarded out by contract
Barrington	1	50	50	...	Boarded out by contract
Charlestown	7	350	50	...	Boarded out by contract
West Greenwich	8	375	46	87	Put to person who will keep them for the lowest sum
Coventry	12	594	49	50	Put to person who will keep them for the lowest sum
Foster	11	500	45	45	Put to person who will keep them for the lowest sum
Westerly	15†	600	40	...	Boarded out by contract
Exeter	8‡	300	37	50	Put to person who will keep them for the lowest sum
New Shoreham	5	169	33	80	Put to person who will keep them for the lowest sum
S. Kingstown	18	600	33	33	Boarded out by contract
Johnston	29	860	29	65	Boarded out by contract
Richmond	1	at Hospital			Put to person who will keep them for the lowest sum.
	171	\$7,798	...	...	

Average cost for each individual per annum, \$45.60

* Hazard, *op. cit.*, p. 65.

† Estimated number.

‡ Estimated from tables before receipt of answers to circular.

average annual cost of the latter was about \$6.00 more per person than in the various methods of "farming out" the poor. There seems to have been no relationship, moreover, between the numbers to be cared for and the price paid to the contractor. Thus, in Hopkinton

\$1,000 was paid for the care of fifteen persons, while in Westerly the same number were boarded out by contract for \$600, and Johnston gave only \$860 for the care of twenty-nine "poor." The cost per individual ranged from \$29.65 to \$66.66—a slightly smaller range than in almshouse care.¹¹ There seems no indication, however, of any corresponding range in type of service given.

Medical care in these towns was provided for in several ways: by a contract between the town and a physician for \$25 per year to attend all who might need his services; by the payment for individual service by the town; and by payment by the contractor to whom the poor were let. The dangers in the first and last of these two methods are too obvious for comment, while it is doubtful if the other really provided adequate care.

Some difficulty was experienced by Mr. Hazard in the visiting of the poor, in these sixteen towns without asylums as they were often scattered in different homes and sometimes inaccessible. However, the author's vivid description of the care of those visited leaves no doubt as to the inadequacy of their treatment. Thus, he says of his visit to Coventry:

. . . . found them in the most deplorable condition imaginable. The house in which they were huddled was old and dilapidated—and the furniture was absolutely unfit for the use of the most degraded of savages . . . not a sheet nor a pillow case was to be seen, and I afterwards understood that the town did not deem such articles necessary. . . .

He told then of the broken chairs and how a "poor, helpless, palsied female, who had not stood for years, was braced in the skeleton of one of these, by its being stuffed with rags." The meal which he witnessed consisted entirely of a "dish of unripe, watery potatoes."¹²

Similar comments were made of other places regarding "lack of cleanliness," "unsatisfactory aspect of things," "kindly treated but much too crowded and disturbed by the ravings of several insane inmates," "tolerably comfortable."

ESTABLISHMENT OF ASYLUMS RECOMMENDED

Mr. Hazard's final judgment on the care of the poor is interesting. His condemnation of vending to the lowest bidder or of contracting

¹¹ See above, p. 197.

¹² Hazard, *op. cit.*, pp. 49-50.

for their care is most adequately stated, while he sees, as the alternative, the care in asylums for those who have no homes or friends, with "outdoor" relief to such as have. But his own words cannot be improved upon as he summarizes his conclusions.

The cruelty and injustice of the first mentioned of these systems—that of venduing the poor, and compelling them to live with the man who will take them off the town for the least sum—is so obvious, that it seems almost insulting to the understanding, to attempt to prove it wrong. We are all more or less, creatures of habit. By becoming familiar with the most hideous objects, they lose in our eyes, half their deformity. And this tendency in our nature is, perhaps, all that can be offered in palliation of this wretched system. When stripped of all disguise, selling the poor to the lowest bidder, is simply offering a reward for the most cruel and avaricious man that can be found to abuse them. Without making continual sacrifices from year to year, it is impossible under such a system, that a conscientious man should long continue to be their caretaker. . . . But, say the advocates of the system, (perhaps) we allow none but good men to bid them off—we appoint committees to visit the poor, and we take bonds of their keeper that they *shall* be well treated. This may all sound very well to an inexperienced ear—but really it is but adding the sin of mockery to the still more heinous sin of oppressing and selling the poor.¹³

DANGER OF PARTISAN POLITICS SEEN

As a comment upon the dangers of partisan politics in influencing the nature of the care of the poor, Mr. Hazard had the following to say:

Bad men are not infrequently good politicians.[!] Such often hold the balance of power in small towns; and who especially when the party spirit runs high, let me ask, is to throw themselves between such men and their prey, should they resolve to purchase the poor themselves, or confer them on a partisan of dubious politics but of undisputed depravity. The very man, in all probability, through whose influence the poor have thus been sold to secure a wavering vote, becomes both the surety and overseer of their keeper. This system is mainly practiced in agricultural towns—and let me ask, is there a man in any one of these, who aspires to the name of a farmer, who would in any contingency, offer his cattle at auction to be kept by the lowest bidder and depend solely for their good treatment on such security as is taken for that of their pauper poor? Would he not ridicule such a proposition? Would not the strong commonsense that seems native to our soil instinctively teach him, that no bonds, nor supervision could compel a dishonest man to fulfill such a contract to his own injury. . . . It is high time that the miserable system of venduing the poor, revolting alike to

¹³ *Ibid.*, pp. 85–86.

common humanity and to every precept of the christian religion, was abolished in our land. Out of it have grown some of the most dreadful abuses that have ever been perpetrated by man on his fellow man.¹⁴

Mr. Hazard believed that the method used by some towns, that of contracting with individuals to keep the poor, was less objectionable than the "vending" method. Moreover, if adequately done, in his opinion it was "perhaps quite as good a system as that adopted by towns that own Asylums, where all the poor [were] compelled to go without distinction." The lack of kindness and consideration in moving the aged from their friends and old environment was definitely deplored.¹⁵

However, the final recommendation of Mr. Hazard was the establishment of asylums for the care of the homeless, and the giving of "outdoor relief" to those who had home or friends with whom they might live. Answering the objection advanced by some persons that by this plan the public would be liable to imposition, Mr. Hazard said that "other plans subject the *poor* to impositions, which they are quite as unable to bear as the public."¹⁶

Two years later a committee was appointed by resolution in the general assembly to make another investigation into the "condition of the pauper poor in the various towns of the state." There is no further record, however, of this resolution—neither the appointment of the committee nor the revoking of the resolution appearing in the reports.¹⁷ The next general interest in the subject was manifested by an act of the general assembly in 1864. At this time the governor was authorized to appoint a commissioner whose duty it was to visit from time to time the almshouses, town asylums, and other places where the insane poor, indigent persons or paupers were kept, and to make an annual report to the general assembly both in regard to the conditions found and in regard to recommendations for improvement.¹⁸

¹⁴ *Ibid.*, pp. 86-87.

¹⁵ *Ibid.*, p. 87.

¹⁶ *Ibid.*, p. 88.

¹⁷ *Acts and Resolves, May, 1853*, p. 16. It will be recalled (see above, chap. vi, p. 112) that the poor law was revised in 1857, but with few changes in the principles involved in the care of the destitute.

¹⁸ *Ibid.*, *January, 1864*, c. 502, pp. 151-52.

CONDITIONS NOT GREATLY CHANGED

The one and only report¹⁹ of this commissioner, Mr. George Willard, made in 1865, offers a basis of comparison with the conditions in care of the poor found by Mr. Hazard fifteen years previous. By the later date twenty-five towns (ten more than in the report of 1850) had established asylums. Mr. Willard was not unaware of the need for some central supervision of the local provisions, which viewpoint he expressed as follows:

The State naturally exercises a fostering care over them, and while the towns make the provision for their wants, the State may take that supervision which will make this provision most fully serviceable, and act as an impartial guardian.²⁰

—an ideal which remains unrealized almost seventy years later.

In discussing the care given the poor, Mr. Willard comments upon the "air of comfort" which prevailed, where the "enlightened and liberal policy" had resulted in the establishment of almshouses, as contrasted to the towns "stinted by a narrow selfish disposition" which had failed to provide that form of care. However, Mr. Willard saw clearly the evils of lack of classification and segregation and of idleness, which was characteristic of the almshouses at that period — "*a want of a proper distribution of the inmates according to their age, character and condition, and a more systematic employment of them in some branch of industry.*"²¹ These conditions were, however, in the commissioner's view, not due to the system, but to the method of administration. Evils such as existed in 1850 were still found, as "lack of attention to personal cleanliness" and "severity in treatment of faults of inmates."

VALUE OF LABOR SEEN

Special attention was given by Mr. Willard to the need for "constant and suitable employment, adapted to their [the inmates] taste and capacity." It is interesting to note, however, that the argu-

¹⁹ George A. Willard, *Report of the Commissioner To Visit Almshouses and Asylums for the Insane Poor, Indigent Persons, or Paupers*, Public Documents (Appendix), No. 20, 1865 (Archives of the State Library, Providence); also Appendix, *Acts and Resolves*, 1865.

²⁰ Willard, *op. cit.*, p. 3.

²¹ *Ibid.*, p. 4 (italics in original report).

ments advanced here were not those of the economic value of this labor, but the social value to the poor. Thus:

It is essential to the health, happiness and contentment of the poor. . . . In no state does time hang so heavily, as in that of idleness. Under the depressing effect of misfortune and poverty, is this especially true. It gives individuals the opportunity to pore over their troubles continually and tends to cultivate a fault-finding disposition with their treatment, however good.

The value of activity upon the health of this group was also stressed.

Mr. Willard was not totally unaware, however, of problems connected with the employment of the poor:

Where suitable employment is provided for both sexes and all ages, it will afford a return of material consideration to the towns and enable them to enlarge the comforts of their beneficiaries. Rarely would labor be performed reluctantly if it was adapted to the persons. An arbitrary system of labor making it compulsory and slavish, would be a great evil of the opposite character. There is a liability to this species of abuse where the keeper of the poor is directly interested in their maintenance. If he can make a few dollars by their labor, even though it may be extorted it will gratify the propensity which was the cause of his undertaking their support.²²

INADEQUATE CARE IN TOWNS HAVING NO ASYLUMS

Severe criticism was made of those towns which had not established the almshouse system. They

seem[ed] to act under the feeling that the poor [were] a burden beyond the claim of sympathy. They [took] all possible measures to get rid of cases, and [provided] in the most stinted manner for the support of such as must be taken. The poor in such cases [were] entrusted to the care of persons whose sole object in maintaining them [was] profit. The remuneration allowed [was] so small that they must necessarily be restricted in the quantity and quality of provisions to a manner of living unworthy of an enlightened community.

An instance was then cited of a town which appropriated \$1,400 per year for the care of an average of twenty-five persons, or \$56 per person per year, to clothe, feed, shelter, and warm them "at a time when the necessary articles" were "at the highest prices known to the present generation." Mr. Willard concluded that, in order that some profit be made by the keepers, less than \$1.00 per week was expended for materials, allowing that all labor incidental to their preparation was performed by the poor themselves. Moreover, that plan did not

²² *Ibid.*, pp. 5-6.

have any advantage of economy, as examples of well-conducted farms showed the possibility of providing cheaper care in that manner.²³ There was no doubt in Mr. Willard's mind as to the supremacy of the almshouse system, while he seemed to have lost sight of the suggestion made by Mr. Hazard for the providing of outdoor relief to such as had homes, leaving the almshouses for such as were friendless or homeless.²⁴

CENTRALIZATION OF CARE FOR CERTAIN GROUPS

Events moved rapidly after this report, in relation to the centralization of care for special groups of the handicapped, although the effect of this was only indirectly connected with the care of the destitute under the jurisdiction of the poor law. It was due to the wisdom and judgment of a committee appointed in 1867, for the purpose of inquiring into and reporting upon the "expediency of erecting a state asylum for the insane,"²⁵ that the plan of centralization was worked out in 1869. This committee reported that they had "become convinced almost as soon as they looked into the subject that any plan for the care of the insane which was projected independently of a thorough investigation and review of the whole subject of pauperism would be defective in principle." The committee realized the need of some form of state supervision over the towns in the care of the poor, as well as some means of "protecting" the towns from the paupers with no settlement in Rhode Island. However, this committee expressed its inability to get "statistics (in other words, *facts*) upon the cost, manner, results, etc.," of caring for the destitute and handicapped. An attempt had been made to obtain the necessary information through sending out inquiries to the towns, but the result had been unsatisfactory as no replies were received from many of the towns "and none that could be used from any." Just what was meant by the committee's recommendation concerning the need of a state system is not clear. At any rate, they did believe that the

²³ *Ibid.*, pp. 7-8.

²⁴ See above, p. 204.

²⁵ *Acts and Resolves, January session, 1867*, p. 171: "Resolution." A summary of the action of both the committees and the general assembly in the bringing-about of this centralization may be found in *First Report of the Board of State Charities and Corrections, 1869*, pp. 10-13.

central authority should have responsibility for removals from the towns as well as from the state, but whether there was any realization of the complete inadequacy of local responsibility, or whether the belief in supervision extended only to the means of obtaining statistics, is uncertain from the report.²⁶

The findings of this committee resulted in a second joint special committee, with the following duties assigned to it: the selection of a suitable location for an asylum for the insane with adjoining land of not less than two hundred acres; the examination and report upon the whole subject of the care of the "insane paupers and criminals and helpless"; the suggesting of a plan for state action in relation to care for these groups; and, finally, to draft the necessary legislation for carrying into effect such a system as might be recommended by them. The committee was further authorized to send out requests to the towns and cities in the state for "statistical, scientific and other useful information" on this subject, and the town authorities were required to furnish such information requested as lay within their power to do. It would seem from the report of this committee that it was no more successful than its predecessor in obtaining information regarding the care given to the poor and handicapped throughout the state. However, the committee did recommend the immediate purchase of a farm upon which to establish not only the insane asylum but also a house of correction and a state pauper asylum, with the proposed removal there, at a future date, of the state prison.²⁷ The committee appointed,²⁸ upon the acceptance of this report, proceeded with the purchase of a farm and the presentation of a plan for the establishment of a Board of State Charities and Corrections.²⁹ While, as has been indicated, this centralization affected only indirectly the town care of paupers, certain results of the organization are of importance to this study and will be discussed in their proper relationship.

An act in 1870,³⁰ which provided for the removal of insane paupers

²⁶ *Acts and Resolves, January, 1868*, Public Documents (Appendix), No. 7, pp. 3-11.

²⁷ *Ibid.*, *January, 1869*, Public Documents (Appendix), No. 3, pp. 1-5.

²⁸ See *ibid.*, pp. 6-8: "Resolution."

²⁹ *Ibid.*, *May, 1869*, c. 814, pp. 1-6; c. 816, p. 7.

³⁰ *Ibid.*, *January, 1870*, c. 868, secs. 1-3 (in amendment to c. 814), p. 139. However, the state did not assume the cost of this care until 1884 (*ibid.*, 1884, c. 435, p. 186).

from town asylums, lockups, or bridewells, was the occasion³¹ for a study of town asylums by the recently appointed superintendent of the Board of State Charities and Corrections, Mr. George W. Wightman.³²

FURTHER STUDY MADE

At that date there had been no further numerical development of the almshouse system, with the exception of the rental of a farm by one town. Eight towns still boarded their poor either individually or as a whole group. While Mr. Wightman did "not propose to comment upon the facts" which he learned, nevertheless two brief statements summarize the general conditions:

First, That some towns do themselves no credit by the manner in which they care for their poor; and *Second*, That the whole system of contracting for the support of the poor with the lowest bidder is wrong, and ought to be speedily abolished.

Furthermore, the investigator stated that it had been "nearly impossible to obtain correct statistics in some towns, from the manner in which the accounts [were] kept, and from the fact that the disbursements [were] made by more than one person." This was followed by a recommendation that the election of but one overseer of the poor of each town would aid in bringing about greater economy.³³

OUTSIDE RELIEF EXCEEDS ALMSHOUSE CARE

While no descriptions of the kind of care given in the asylums were given by Mr. Wightman, his figures afford some interesting contrast to the study made by Mr. Hazard twenty years previous. At the earlier period the amount of institutional care quite overbalanced the "outdoor" relief—a ratio of 500 persons in the asylums to 171 outside. In 1870 the ratio was reversed, with a total of about the same number (514 persons) being cared for inside the local

³¹ *Ibid.*, January, 1870, p. 204: "Resolution."

³² Mr. Wightman served as overseer of the poor in Providence for thirty-two years (1857-89). He held the position of "superintendent" (title later changed to "agent") of the Board of State Charities and Corrections until his death in 1893 (*Twenty-fourth Annual Report of the Board of State Charities and Corrections*, 1892, p. 159).

³³ *Second Report of the Board of State Charities and Corrections*, 1870, pp. 47-48.

asylums as contrasted to 3,782 outside.³⁴ An even more interesting aspect of this change is indicated by the relative costs in the two periods. In 1850 a total of \$25,752 was spent in local institutional care as opposed to \$7,798 in relief outside the asylums. In 1870 the asylums expended \$45,656.02 in the care of their wards, while the cost of support outside of these institutions had increased to \$42,320.53, a difference of only a little more than \$3,300 in the expenditures for the two forms of care in the later period, as compared to a difference of approximately \$17,600 in the earlier period. However, the average per capita expenditure outside the asylums had decreased from \$45.60 in 1850 to \$11.19 in 1870, which would seem to indicate that a greater amount of temporary aid or of partial support was given, at the later date, to persons outside of institutions. Comment was made by Mr. Wightman upon the great number of "foreign paupers" who had come into the state, while the statistics of the towns showed that 2,333 "foreign paupers" as compared to 1,449 "American" had received "outdoor" relief. The asylums, on the other hand, cared for only 101 of the former group as compared with 413 of the latter.

Tables IV and V show graphically the facts that have been analyzed in the foregoing statements.

STATE ALMSHOUSE TO CARE FOR THE UNSETTLED POOR

With the development of plans for the establishment of the state almshouse, the need for an estimate as to the number to be accommodated therein led, in 1873, to a further study of the local provisions for the destitute. As the main purpose of the state almshouse was conceived of as providing a place to which the destitute not chargeable to respective towns could be sent, it was necessary to know the number of persons having no settlement within the state.

The number of local almshouses had reached its greatest height by that time, there being 28 within a state 50 miles long at its greatest length and 34 miles wide at the greatest width. However, the

³⁴ It should be noted here that the state almshouse had not yet been established and that the report of the state insane asylum for this year reported but twenty-five inmates received from town asylums. While a few of those persons committed to the state workhouse might previously have been sent to the town asylums, these exceptions would not account for this difference.

number of inmates in these institutions had decreased from the 514 of 1870 to 444. About one-fourth of these had no settlement in any town within the state and were, therefore, chargeable to the state; while 337 were the responsibility of individual towns. As in 1870,

TABLE IV*
STATISTICS OF PAUPER ASYLUMS, 1870

Towns	Acres in Asy- lum Farms	Value of Land	Value of Improve- ments	Total	No. of In- mates	Amer- ican	For- eign	Cost
Providence.....	39½	\$300,000	\$150,000	\$350,000	130	82	48	\$12,681 96
Newport.....	92	18,400	15,000	33,400	64	40	24	5,165 16
Cranston.....	58	2,900	7,000	9,900	15	13	2	1,560 00
Scituate.....	100	2,500	1,400	3,900	10	10	.....	851 50
Warwick.....	175	5,300	7,300	12,600	22	17	5	1,194 32
Westerly.....	200	8,500	2,000	10,500	3	3	.....	300 00
Middletown.....	1	100	900	1,000	2	2	.....	240 00
Hopkinton.....	110	3,000	2,000	5,000	14	14	.....	700 00
Little Compton...	50	3,500	1,500	5,000	3	3	.....	600 00
Burrillville.....	120	1,700	1,300	3,000	8	8	.....	672 00
Foster.....	130	2,000	1,000	3,000	26	26	.....	2,095 36
Coventry.....	40	2,000	200	2,200	10	10	.....	1,040 00
Warren.....	70	3,000	3,000	6,000	7	7	.....	770 92
Johnston.....	38	3,500	3,500	7,000	11	10	1	1,100 00
North Providence.	64	6,000	1,000	7,000	28	20	8	2,164 00
South Kingstown.	62	6,000	4,000	10,000	37	37	.....	3,000 00
North Kingstown.	130	6,000	6,000	12,000	13	13	.....	1,000 00
Cumberland.....	120	6,000	3,000	9,000	13	10	3	1,380 00
Portsmouth.....	42	7,000	2,000	9,000	18	18	.....	500 00
Pawtucket.....	16	4,000	3,900	7,900	9	5	4	787 47
East Greenwich..	17	4,000	4,000	8,000	12	10	2	1,200 00
Tiverton.....	125	4,000	2,000	6,000	9	9	.....	506 24
Smithfield.....	160	4,000	2,000	6,000	16	16	.....	2,288 00
Bristol.....	40	2,500	2,500	5,000	11	10	1	1,800 00
Gloicester.....	80	2,500	500	3,000	12	12	.....	600 00
Woonsocket†.....	.....	.....	.....	.....	11	8	3	1,459 09
Totals.....	2,079½	\$408,400	\$227,000	\$635,400	514	413	101	\$45,656 02

* *Second Report, Board of the State Charities and Corrections, 1870, p. 59.*

† Farm hired.

the expenses for care outside the almshouses were in excess of that within these institutions, but the expenditure in the 28 almshouses had decreased to \$26,762.45, or more than \$18,000 less than had been spent in 1870 by 25 institutions for the care of 70 more persons.

The number of persons cared for outside of local institutions in

1873 had also decreased—2,501 as compared to 3,782 in 1870. However, the total amount expended in “outdoor” care in the latter year

TABLE V*
ASSISTANCE RENDERED OUTDOOR POOR, 1870

Towns	Number	American	Foreign	Amount
Providence.....	1,982	615	1,367	\$11,713 29
Newport.....	1,350	675	675	8,000 00
Cranston.....	2	1	1	208 00
Warwick.....	22	10	12	709 02
Middletown.....	2	2	.....	182 00
Johnston.....	18	12	6	700 00
North Providence.....	46	7	39	4,000 00
Cumberland.....	3	3	.....	286 00
Pawtucket.....	.....	.....	.....	200 00
Tiverton.....	1	1	.....	182 00
Smithfield.....	50	20	30	3,000 00
Bristol.....	15	5	10	700 00
Gloicester.....	14	12	2	740 00
Burrillville.....	32	4	28	905 47
Coventry.....	4	4	.....	247 00
Warren.....	15	12	3	770 80
New Shoreham.....	10	10	.....	1,200 00
East Providence.....	2	2	.....	286 00
Exeter.....	12	12	.....	800 00
Barrington.....	7	7	.....	850 00
West Greenwich.....	10	10	.....	875 00
East Greenwich.....	3	1	2	125 00
Woonsocket.....	161	4	157	4,230 15
South Kingstown.....	8	7	1	624 00
Richmond.....	9	9	.....	1,040 80
Charlestown.....	3	3	.....	416 00
Jamestown.....	1	1	.....	130 00
Totals.....	3,782	1,449	2,333	\$42,320 53

Amount expended in assisting outdoor poor..... \$42,320 53

Amount expended for the support of town asylums..... 45,656 02

Total amount..... \$87,976 55

Whole number assisted in asylums and out..... 4,296

Americans by birth..... 1,862

Foreigners by birth..... 2,434

* Second Report, Board of State Charities and Corrections, 1870, p. 60.

did not decrease relatively—\$41,928.89 as compared to \$42,320.53 in 1870. This raised the per capita cost in 1873 to approximately \$16.80 as compared to the per capita expenditure of \$11.19 in 1870.

On the whole, then, in 1873 the total local expenditure for the care of the destitute had decreased more than \$19,000, or between one-fourth and one-fifth, while the number of persons cared for had decreased by 1,351, or more than one-third. There are no available facts, however, to indicate whether this resulted from more adequate care for the poor or from less economy in expenditure.³⁵

LOCAL ALMSHOUSE CARE UNSATISFACTORY IN 1892

Another detailed study of the care of the poor in local jurisdictions was made by the agent of State Charities and Corrections in 1892, for the purpose of finding what relationship, if any, existed between the increase of dependents in the state institutions at Cranston and the numbers being cared for locally. Difficulty in obtaining the desired information was accredited to the frequent changes of town overseers of the poor and the lack of sufficient or adequate records.

It will be noted that the peak of the almshouse development had been reached in 1873, with 28 local institutions. In 1892, the tide had begun to turn and there were but 25 in operation. The size of acreage connected with these institutions ranged from 1 acre in Middletown to 180 acres in Warwick.³⁶

While this report lacked the vivid descriptions of these institutions found in the earlier reports, such comments as the following indicate the general conditions found: accommodations "still far from what so large and prosperous a community should have";³⁷ "buildings comfortable and inmates humanly cared for";³⁸ "well being of the inmates seems to be the main purpose of those who have it in charge";³⁹ "should have better buildings";⁴⁰ "home like appearance";⁴¹ "well fed and comfortably housed; as the expenses of maintenance are provided by a fund bequeathed it would seem that the town might keep the buildings in better repair"; "average condition."⁴²

One town almshouse, Middletown, had no permanent inmates,

³⁵ *Fifth Annual Report of the Board of State Charities and Corrections*, 1873, pp. 48-60.

³⁶ *Twenty-fourth Annual Report of the Board of State Charities and Corrections*, 1892, p. 157.

³⁷ *Ibid.*, p. 145.

³⁹ *Ibid.*, p. 147.

⁴¹ *Ibid.*, p. 151.

³⁸ *Ibid.*, p. 146.

⁴⁰ *Ibid.*, p. 43.

⁴² *Ibid.*, p. 152.

either in 1873 or in 1892. At the latter date the farm was rented for \$60 per year, the farmer boarding the transient paupers for \$.75 per day.⁴³ Tiverton⁴⁴ and Little Compton⁴⁵ still let out their farms at the rental of \$225 and \$150 per year, respectively, and paid \$3.00 per week to the farmer for the board of the poor.

LACK OF UNIFORMITY OF CARE

Although there was still a range in the amount of salaries paid to the keepers of the almshouses and while the rate had increased somewhat since 1873, 14 out of the 25 towns still paid \$400 or less per year. There was still no apparent relationship between the amount of salary, the number of acres in the farm, or the number of inmates to be cared for.

The cost of care, also, showed variation between the towns. While it would be expected that a higher cost would be found in those towns whose farms grew less of the products used, there seem to be other factors which overbalance that one. Thus, in Coventry, \$660.82 was spent in caring for an average population of $7\frac{1}{2}$ (!) persons on a 100-acre farm,⁴⁶ while Gloucester, on a farm of approximately the same size (90 acres), spent \$900 for the care of 7 persons.⁴⁷ Furthermore, in Scituate, \$1,199.25 was spent for the care of 8 persons on a 100-acre farm,⁴⁸ while Portsmouth cared for 10 persons on a 50-acre farm with an expenditure of \$400.⁴⁹ On the other hand, Pawtucket spent \$6,477.33 in caring for an average population of 23 on a 15-acre plot of ground,⁵⁰ while in Warwick 20 persons cost the town but \$3,020 on a 180-acre farm.⁵¹ It is obvious that further facts than are available would be necessary in order to account for the range of costs in the towns supporting about the same number of persons on farms of similar size.

PER CAPITA COST OF ALMSHOUSE CARE INCREASES

Table VI shows, however, as between 1873 and 1892, how, with a decrease of approximately one-third in the number of persons cared for in the local almshouses, there had been an increase of more than

⁴³ *Ibid.*, p. 149.

⁴⁶ *Ibid.*, pp. 150-51.

⁴⁹ *Ibid.*, p. 147.

⁴⁴ *Ibid.*, p. 148.

⁴⁷ *Ibid.*, p. 151.

⁵⁰ *Ibid.*, p. 145.

⁴⁵ *Ibid.*, p. 150.

⁴⁸ *Ibid.*, p. 148.

⁵¹ *Ibid.*, p. 146.

one-half in the total expenditure for their care, or an increase in the per capita expenditure from \$60.28 to \$136.73. While it must be kept in mind that some of this variation may be due to difference in length of time for which the individual persons were provided, it would hardly account for so large an increase; nor would change in prices, when it is remembered that 1873 was a period of high prices. Better standards of care must be held accountable for some of this increase, which conclusion the agent's report seems to substantiate.

TABLE VI*
COMPARISON OF ACREAGE, LAND VALUE, NUMBER OF INMATES, AND
COST OF CARE IN RHODE ISLAND ALMSHOUSES, 1873 AND 1892

Year	Acres	Value of Land	Total Value Including Improvements	Number of Inmates	Cost of Support
1873.....	2248 1/2	\$514,400.00	\$745,200.00	444	\$26,762.45
1892.....	1884 11/30	297,615.00	475,767.10	298 1/8	40,761.93
Decrease.....	364 2/15	\$216,785.00	\$269,432.90	145 7/8	.....
Increase.....					\$13,999.48

* "Statistics of Pauperism in Rhode Island," *Twenty-fourth Annual Report of the Board of State Charities and Corrections*, 1892, p. 143.

A change in the ratios between local "outdoor" relief is also found in these two periods. Thus, in 1892, a total of 6,625 persons were given outside care at a cost of \$37,515.08, while, in 1873, \$41,928.89 was expended on but 2,501 persons. Thus, with a decreased expenditure of more than \$4,400, more than two and one-half times as many persons were cared for at the later period.⁵² This would seem to indicate a large increase in the numbers of poor to whom temporary or partial care was given. The fact, too, that the total cost of almshouse care had increased at the later date would indicate the more permanent nature of the care given in the institutions. Furthermore, there were cared for at the state almshouse a total of 500 persons during the year, some of whom, in 1873, would have been in the local institutions. However, by 1892, both the state and the local almshouses had been relieved of some population because of the specialized care provided by that period for certain groups of destitute and handicapped.

⁵² *Ibid.*, p. 157.

A similar variation is found between the expenditures for "out-door relief" in the individual towns as prevailed between that of the almshouses. This would seem to indicate both difference in standards of care and difference in nature of persons cared for—that is, difference in the proportion of transients or persons receiving partial and temporary support and those receiving more permanent care. Thus, in Woonsocket 150 persons were cared for at an expenditure of \$3,941.66, while in Pawtucket 2,952 were aided at a cost of \$3,719.11—approximately \$200 less spent in the care of 2,800 more persons. Or, again, Warren spent \$250.80 in the care of 42 persons, while Barrington spent \$291 on 3.⁵³ While it would be possible to continue these comparisons, it is not worth-while for the value to be obtained. Evidence of lack of uniformity and varying standards is there, but not enough information is available upon which to base a discussion as to causes for these differences.

While it is easy to see the form in which local care of the poor had developed, it is not so easy to analyze the interrelated factors which had influenced this trend. Many forces were at work which were responsible for the decrease in the local almshouse system. Among these must be listed the development of specialized central care for certain groups of permanently handicapped and destitute; the effect upon numbers to be cared for of removals of persons having no settlement within the state; and, finally, a decreasing realization of the inadequacy of institutional care for all types of the destitute. Moreover, with the change of the economy of the time from a rural and agricultural system, the increase of industrial occupations, and the larger number of immigrants, an increase in persons in need of temporary local care, or partial support, as compared to the former prevalence of permanent care for the "pauper class" would predominate. The local almshouse then became the place in which to care for the more permanent cases of local responsibility, while temporary aid was given to the much larger group of persons in need of emergency aid or partial relief. The per capita cost in almshouses increased for several reasons: the salaries of the keepers showed some increase; the numbers of able-bodied persons who could labor on the

⁵³ *Ibid.*, p. 156.

farms decreased; and, finally, a per capita increase is inevitable with a decrease in numbers to be cared for.

From Table VII it is possible to see the development of local care of the poor during the last half of the nineteenth century. It will be seen there how the almshouse system reached its peak and started to decline, and how "outdoor" care for the poor, although showing a great increase both in numbers cared for and in amount expended, was obviously recognized as the means of providing temporary care.

TABLE VII*

NUMBER OF PERSONS UNDER CARE AND AMOUNT OF EXPENDITURE IN ALMS-
HOUSES AND IN OUTDOOR RELIEF IN RHODE ISLAND,
1850, 1873, AND 1892

YEAR	No. OF ALMS- HOUSES	No. OF TOWNS HAV- ING No ALMS- HOUSES	No. OF PERSONS CARED FOR		COST OF CARE			PER CAPITA COST	
			In Alms- houses	Out- side	In Alms- houses	Outside	Total	In Alms- houses	Out- side
1850..	15	16	500	171	\$25,752.00	\$ 7,798.00	\$33,550.00	\$ 51.50	\$45.60
1873..	28	8	444	2,501	26,762.45	41,928.89	68,691.34	60.28	16.77
1892..	25	12	298 ¹ / ₈	6,625	40,761.93	37,515.08	78,277.01	136.73	5.66

* Summarized from material in Hazard, *op. cit.*, pp. 64-65; *Fifth Annual Report of the Board of State Charities and Corrections*, 1873, pp. 58-59; *Twenty-fourth Annual Report*, 1892, pp. 143, 156-58.

No further detailed reports of local care were made during the remainder of the nineteenth century,⁵⁴ but in 1899 a total report of the amount spent in the thirty-eight towns and cities was made by the agent of State Charities and Corrections. This tabulation showed the total amount spent by each town, the population of the town, and the per capita cost upon the population of the maintenance of the poor departments. No separation was made between the amount spent for "indoor" and "outdoor" relief. Here, again, there was no way of determining whether the variation in expenditures was determined by economy or by adequate care to the poor, or by great differences in the amount of destitution in the towns.

Taking certain of the towns and cities whose population was sim-

⁵⁴ See below, chap. x, pp. 230-32, for an analysis of almshouse care in 1901.

ilar, ranging from 1,100 to 1,800 persons, the widest variation in expenditures and per capita cost to the population was found, the cost ranging from \$0.146 to \$0.932 (Table VIII).

Similar degrees of variation were indicated by comparisons of expenditure in towns or cities whose population numbered less than 1,000. There the per capita cost ranged from \$0.479 to \$0.658. Greater variation was indicated, however, in towns with more than 1,000 inhabitants, as in Woonsocket, where the amount was \$0.045 as compared to \$0.546 in Pawtucket, and \$0.223 in Warwick. The total spent in the local care of the poor at that time was \$101,441.65.⁵⁵

TABLE VIII

PER CAPITA EXPENSE TO THE POPULATION FOR THE CARE OF THE POOR IN CERTAIN TOWNS AND CITIES IN RHODE ISLAND, 1899

Towns	Population	Expenditure	Per Capita Cost
Little Compton.....	1,112	\$ 161.98	\$0.146
Narragansett.....	1,250	264.52	.212
Barrington.....	1,668	369.50	.221
Richmond.....	1,656	772.82	.466
Portsmouth.....	1,833	1,175.39	.641
Gloicester.....	1,633	1,522.23	0.932

No comparison can be made between this local expenditure and the cost of maintaining the poor at the state almshouse, as the expenses of that institution were not reported separately from those of the workhouse and hospital for the insane.

PROBLEMS IN STATE ALMSHOUSE

Although it is not intended here to discuss the administration of the state almshouse, certain aspects related to the local care of the poor must be examined. It was not long after the establishment of that institution before the realization came that the predictions of its efficacy as a solution to the problems of poor relief had been over-

⁵⁵ *Thirty-first Annual Report of the Board of State Charities and Corrections, 1899*, pp. 144-45. No attempt has been made here to segregate the amount of the expenditures received from legacies left for the care of the poor to be administered by the overseers, although five jurisdictions received at that time some income from that source.

estimated. Although some improvement had been made, other difficulties remained and new ones developed.

Among the questions which arose was that in relation to the proper division of responsibility between the local jurisdictions and the state for the care of certain groups of destitute or handicapped. Later, however, after frequent discussions as to the advisability of a system of state outdoor relief, the question seemed to resolve itself more into a recognition of the need for classification and segregation accompanied by specialized services, the necessity of which had been seen by Mr. Willard in relation to the local almshouse nearly twenty years earlier.⁵⁶

Early expression of the fear that the overseers would abuse their privilege of sending to the newly functioning institution all the poor who had no local settlement came in relation to two groups—the acutely ill and the families, who, needing temporary or partial support, might better be cared for in the neighborhoods in which they were living. Later, particular emphasis was given to the unsuitability of almshouse life for children.

In 1877 the agent of State Charities and Corrections commented upon the large number of deaths at the almshouse during each of the three years of the functioning. This he connected with the practice of sending the aged and the sick (in “a dying condition,” “suffering pitiably from the want of care and medical attendance”) to the institution when a few dollars from the town treasury would have given the necessary care. Although the possible solution through the establishment of a state system of outdoor relief was mentioned, it was the opinion of the agent that in the long run it would be cheaper for each town to care for these emergency cases than to set up and maintain a plan of state administration of care in local communities. The final responsibility in those cases lay, he believed, in humane administration by the local overseers.⁵⁷

Similar problems were discussed by the same officer in 1880. At that time, however, the source of the evil was placed upon the diffi-

⁵⁶ See above, p. 206.

⁵⁷ *Ninth Annual Report of the Board of State Charities and Corrections*, 1877, p. 23.

culty of acquiring a settlement under the "excessive limitations" of the statute. Thus he commented:

. . . . A man may have been born in a town, may have been a resident of it all his life, his energy and skill having largely contributed, perhaps, to its progress; he may have even paid taxes upon personal property to any extent, and yet, if by chance he has not owned and paid taxes for five successive years upon a small amount of real estate, he becomes, upon falling into distress and needing aid, a State pauper, entitled to only such assistance as the State affords—a home in the State Almshouse.⁵⁸

ADMINISTRATION HELD RESPONSIBLE FOR PROBLEMS RELATED TO SETTLEMENT

However, the primary responsibility was again placed upon the degree of strictness with which local overseers interpreted the law. Thus:

Some of the overseers of the poor decide that under all circumstances the burden of aiding a pauper without settlement should be upon the State, and send such persons, or perhaps whole families to the State Almshouse. . . . The effect of this is that homes are broken up, children are thrown into the society of adult paupers, and the first steps are taken on the road to confirmed pauperism a little assistance from the town would [have] enable[d] the person or family to tide over a period of sickness or lack of remunerative employment. . . . The remedy lies not with the law-makers, but with the overseers of the poor, who in the use of the discretionary power so freely entrusted to them, should be guided by the largest humanity, rather than by that narrow policy which would withhold a little aid because the law allows it, regardless of the evil results to follow.⁵⁹

In 1885 considerable space in the report of the board was devoted to a discussion of the values and dangers of "outdoor relief," with the final conclusion that it "increased pauperism" and should in so far as possible be avoided.⁶⁰

STATE ALMSHOUSE BECOMES, IN REALITY, A HOSPITAL

Clearly expressed in 1886 was the recognition that the almshouse had in reality become a hospital—"almost as much a hospital as a poor house"—a "receptacle, so to speak, for such as are past being

⁵⁸ *Twelfth Annual Report of the Board of State Charities and Corrections, 1880*, p. 101.

⁵⁹ *Ibid.*, p. 102.

⁶⁰ *Seventeenth Annual Report of the Board of State Charities and Corrections, 1885*, pp. xxi-xxii.

benefited elsewhere.”⁶¹ However, the board believed that the almshouse accepted many cases which a hospital would not have accepted—persons sent to die—“incurably ill and often near death” when they arrived.⁶² The smallness of the area of Rhode Island, making the almshouse accessible to the entire state, was thought to be partly responsible for this, although reference was again made to the strictness of the settlement law and the lack of provision for state outdoor relief. Circumstances of persons dying on the way to the almshouse or soon after arrival were given as evidence of the fact that the large death-rate was not due to conditions within the institution. Of the 81 persons who died in 1890 (out of a population of 255 at the beginning of the year, 267 admitted, and 236 remaining on the last day), the number of days’ residence was as follows:⁶³

Died day of admission.....	1
One day and less than five.....	4
Five days and less than ten.....	6
Ten days and less than one month.....	10
One month and less than three.....	12
Three months and less than six.....	11
Six months and less than one year.....	12
Over one year.....	25
	—
Total.....	81

Nearer the close of the century the accepted development of the almshouse into an institution to “shelter the aged and infirm, the lame, the halt and the blind” was recognized. The almshouse was in fact a state hospital and [was] always open to such of the sick poor as [had] no legal settlement in any town in the state. Able-bodied men, women and children (if over four years of age) of sound minds, are not proper subjects for this institution, and among our 277 inmates there are but few of this class.⁶⁴

A final plea was made by the agent in regard to the change between conditions at the time when the settlement laws were passed

⁶¹ *Eighteenth Annual Report of the Board of State Charities and Corrections, 1886*, pp. 18-19.

⁶² *Twenty-second Annual Report of the Board of State Charities and Corrections, 1890*, p. 27.

⁶³ *Ibid.*, pp. 26-32.

⁶⁴ *Twenty-seventh Annual Report of the Board of State Charities and Corrections, 1895*, p. 159.

and the present, and the consequent injustice of removing lifelong residents from their environments to the state almshouse. He saw the local almshouses becoming "tenantless," and legally settled paupers an "extinct species," unless some action was taken which would change the balance between state and local responsibility.⁶⁵

During this period of discussion of legislative reform, or at least for reform in the administration, the governor's messages reflected some of the attitude, although, for the most part, reference was to special groups receiving state care. Reference was made there to the need for better settlement laws⁶⁶ and to the evil of permitting children to remain in the state almshouse.⁶⁷

STATE ALMSHOUSE UNSUITABLE FOR CHILDREN

It is not proposed to discuss in this study the development of processes by which special groups were removed from the state almshouse, by means of statutory provision removing them from the jurisdiction of the poor law. It is of interest, however, to review briefly the comparatively early recognition of the need to remove children from that institution. More than one-third of the persons under care at the end of the first month of its functioning were children, while at the end of the first year there were 39 children and 102 adults. At the end of the second year, with between 40 and 50 children "ranging from a few months to twelve years of age," the need of removing them from the "degrading influence of pauper association" was stressed,⁶⁸ and temporary arrangements made for their care in a small house upon the institution grounds. The problem was more acute in 1883, when the board commented upon the evil of placing the

little waifs among such companions as they have been compelled to associate with. . . . What worse can the State do, for a portion of its future citizens, than subject them to such influences, keep from them all opportunities of obtaining education—except in evil—and train them up to a life of pauperism, if not of crime?⁶⁹

⁶⁵ *Twenty-ninth Annual Report of the Board of State Charities and Corrections, 1897*, pp. 142-44.

⁶⁶ *Acts and Resolves, January, 1899*, Public Documents (Appendix), No. 1, p. 44.

⁶⁷ *Ibid.*, January, 1876, p. 21.

⁶⁸ *Sixth Annual Report of the Board of State Charities and Corrections, 1874*, p. 12.

⁶⁹ *Fifteenth Annual Report of the Board of State Charities and Corrections, 1883*, p. 22.

The next year (1884) an "Act To Establish a State Home and School for Children" was passed and plans made at once for carrying this into effect.⁷⁰

PROVIDENCE HAS A DEGREE OF INDEPENDENCE

While no attempt will be made to trace in detail the development of care of the poor in Providence, certain aspects which were not unlike tendencies in the state as a whole must be mentioned. It was during the period between 1855 and 1880 that modern municipal government was established there. As early as 1854, however, an act of the general assembly delegated a degree of independence to the council by granting to it the authority to decide upon the "mode and extent" in which the overseers should afford temporary relief to "such poor and indigent persons" who were not supported or employed in the "workhouse or other tenements of the city."⁷¹

Although the office of overseer of the poor remained an elective office of one-year term and so had grave dangers, the fact that one man held this place for thirty-two years did away with many of the evil results possible.⁷²

Expenditures for relief during the first part of the period increased rapidly. In 1855 only one department of the government spent less money.⁷³ As elsewhere, much difference of opinion was expressed as to relative values of "indoor" and "outdoor" relief. By 1858 the expenses for "outdoor" relief had increased two and one-half times and one-sixth of the population was on the overseer's records.⁷⁴

RELIEF OF TRANSIENTS A LARGE ITEM

The problem of the transient was a real one in Providence, the strategic position of the city on the main line of the railroad between New York and Boston being held accountable. The reports of the

⁷⁰ *Sixteenth Annual Report of the Board of State Charities and Corrections, 1884*, p. 21; *Acts and Resolves, January, 1884*, c. 418, p. 152. This was to be under the direction of the Board of Education.

⁷¹ *Acts and Resolves, June, 1854*, pp. 14-15.

⁷² Mary Conyngton, "Philanthropy," in *A Modern City, Providence, Rhode Island, and Its Activities*, edited by William Kirk (Chicago: University of Chicago Press 1909), p. 286.

⁷³ H. K. Stokes, *The Finances and Administration of Providence*, p. 201.

⁷⁴ *Ibid.*, p. 218.

overseer for the period showed increasing numbers of both transient men and women. Overnight shelter had been provided for them in police stations. In 1877 the highest expenditure to that time was reached and the firm belief that this was due to the outdoor system led to the establishment of a workhouse and a wood yard.⁷⁵ There was, of course, no realization that the problem lay in the administration rather than in the form of relief.

With the opening of the wood yard, work was required in return for shelter and the number seeking relief in police stations decreased rapidly.⁷⁶ A similar decrease was found in the expenditure for outdoor relief in a corresponding period, when this fell from more than \$36,000 (including an item of \$7,500 for work relief) to slightly above \$6,600 in 1880.⁷⁷ Since that period there has been a constantly rising expenditure for relief of the destitute in Providence.

This coincides, however, with the period of expansion in the city and the highest rate of increase of population of any period in the city's as well as the state's development.⁷⁸ Thus the city grew from a population of 68,904 persons to 104,857 in the decade from 1870 to 1880; to 132,146 from 1880 to 1890; and to 175,597 in 1900.⁷⁹

REFORM SCHOOL AN ADJUNCT TO THE POOR DEPARTMENT

An interesting reflection on the attitude toward the treatment of the destitute was found in the use of the reform school as an adjunct to the poor department. As this institution had been established in 1850 as a reform school or house of correction for youthful offenders, one cannot help but wonder what the effect must have been upon the young, the destitute, and the older offenders against city ordinances who were also placed there at times.⁸⁰

⁷⁵ Conyngton, *op. cit.*, p. 298.

⁷⁶ Table from *ibid.*⁸

	Males	Females
1876.....	10,530	159
1877.....	12,010	122
1878.....	4,668	49
1879.....	1,841	31
1880.....	634	...

⁷⁷ Stokes, *op. cit.*, p. 219. By 1882 the amount had fallen to \$3,911.44 (Conyngton, *op. cit.*, p. 287).

⁷⁸ See above, chap. i, p. 7.

⁷⁹ *Fifteenth Census of the United States, Abstract*, pp. 22-23.

⁸⁰ Stokes, *op. cit.*, p. 218.

THE DEXTER ASYLUM

In spite of its central location, its endowment, and its greater accommodations, the Dexter Asylum in Providence has not been without its problems. Mr. Staples, writing in 1843, but a few years after the establishment of the institution, commented on the fact that an average of one-fourth of the inmates were insane, which not only added to the expense of maintenance, but also diminished "in a greater ratio, the comforts which the poor [had] a right to expect from the institution." Even more definite was his criticism in the following statement:

Each class requires distinct and opposite rules of discipline and government. In an institution, the main design of which is to provide for the wants of the poor, little can be done toward improving the condition of the insane. They can be kept there, but if more is looked for it will be looked for in vain.

However, he expressed more optimism in the following summary:

If there were no saving to the city . . . which there clearly is, it is abundantly evident, that the wants of the poor and impotent are better supplied, and that the declining years of poverty stricken age are here robbed of many sorrows.⁸¹

By 1847 this institution had become so crowded that a proposal was made to limit the persons admitted among those for whom the town was responsible, whose destitution was caused by sickness or misfortune. While the "idiots" and other mentally unsound were provided for as far as possible there, the facilities for their care were admittedly inadequate to meet the needs. With the opening of Butler Asylum in 1847, the city transferred its insane charges there, paying board for them.

Another reflection on the lack of segregation or classification was found in the report of the transfer of children of "vicious habits" from the Dexter Asylum to the Reform School upon the opening of the latter institution in 1850.⁸²

Mr. Hazard made no criticism in his report in 1850, regarding the lack of classification in Dexter Asylum, which, to be sure, was not unlike that in the other jurisdictions. His comment was concerned

⁸¹ W. R. Staples, *Annals of the Town of Providence*, pp. 394-95.

⁸² Stokes, *op. cit.*, p. 186.

with the adequacy of the building, its management, a "fine and substantial building . . . apparently well arranged and conducted."⁸³

Salaries of the superintendent have been large enough to attract more competent personnel than had been true in other local asylums. These salaries have steadily advanced from \$1,500 in 1873⁸⁴ to \$2,000 in 1892,⁸⁵ and to \$3,000 in 1901.⁸⁶

Reports of inspections made in later years by representatives of the state public welfare authority have similarly remarked upon the satisfactory conditions in that institution. However, an unofficial report made by Miss Conyngton in 1909 is not so favorable. Criticism first pertained to the restriction of the provisions of the will which had endowed the institution, limiting the care available to those with legal residence in Providence. Even more critical were the statements regarding lack of adequate classification.

The conditions at Dexter Asylum do not permit any careful separation of classes. For the sake of convenience the city boards its acutely insane in the state hospital, and dependent children of fair physical and mental ability are not usually placed in the almshouse, so that these two classes are not found in Dexter Asylum. With these two exceptions it is the refuge of all the helpless who have a legal settlement in Providence. The feeble-minded, the mildly insane, the aged and respectable poor, consumptives, men and women worn out by intemperance or vice, cripples, invalids and victims of temporary misfortune—each and all find their way thither. And since there is but one large building, not even containing separate rooms, but only large dormitories or wards, only the most elementary classification is possible.⁸⁷

However, it should be stated that this commentor lays the blame upon the "dead hand" of the trust fund which would not permit of the needed improvements.

PROBLEMS ARISING OUT OF STATE INSTITUTION COMMITMENT

An interesting problem in relation to the question of local versus central responsibility arose as a result of the distinction made in

⁸³ Hazard, *op. cit.*, p. 25.

⁸⁴ *Fifth Annual Report of the Board of State Charities and Corrections*, 1873, p. 49.

⁸⁵ *Twenty-fourth Annual Report of the Board of State Charities and Corrections*, 1892, p. 144.

⁸⁶ *Thirty-third Annual Report, Board of State Charities and Corrections*, 1901, p. 164.

⁸⁷ Conyngton, *op. cit.*, p. 292.

holding the towns responsible for the expenses of these persons sent to the almshouse and state asylum for the incurable insane, while the state bore the charges of those committed to the workhouse and house of correction. This resulted in certain persons being sent to the latter institution who should have been sent to the almshouse. As a solution of this, the agent of the State Charities and Corrections offered the suggestion that the responsibility of the local units be increased by assessing them for the board or a "reasonable share of the cost" of the support of town paupers who from any cause were sentenced to the workhouse.⁸⁸

Particular comment was made in 1885 upon the necessity of transferring to the almshouse persons incapacitated through physical or mental infirmities who had been sentenced as vagrants or tramps. The report of the Board of State Charities and Corrections analyzes this briefly thus:

Were the State to provide for paying town officers for carrying persons to the Almshouse, as it pays for committment to the Workhouse, this would not, probably, be done to the same extent, supposing the payment of expenses in the two cases to be equal.⁸⁹

Five years later specific illustrations were given of the effort on the part of towns to avoid the expense of sending persons to the almshouse. "Six of the deaths in the Almshouse in 1890 were of persons committed to the Workhouse when suffering from serious illness or of utterly broken down constitutions and removed subsequently therefrom to the Almshouse where they could have better care." In several instances these persons had been moved from the workhouse within a few days after their commitment. In one case a man ill with consumption was so feeble when committed to the workhouse that he had to be supported as he went into the building.⁹⁰

The interstate aspect of this problem was recognized in 1893. Then it was suggested that vagrants "who had been anxious to plead guilty of vagrancy that they might thus secure a home in the

⁸⁸ *Eighth Annual Report of the Board of State Charities and Corrections*, 1876, p. 66.

⁸⁹ *Seventeenth Annual Report of the Board of State Charities and Corrections*, 1885, p. xix.

⁹⁰ *Twenty-second Annual Report of the Board of State Charities and Corrections*, 1890, pp. 29-30.

institution for the winter" should not be so easily committed, when a "few questions" might determine that such a person had a settlement in another state. It was advocated, then, by the agent of State Charities and Corrections that an investigation of these "homeless" persons should be made before instead of after commitment to the workhouse.⁹¹

In 1894 the agent of State Charities and Corrections devoted considerable space in his report to the decrease of local responsibility and the consequent placing of it upon the state. While Mr. Wightman did not believe that it would be feasible to return to the stricter enforcement of local responsibility, he did think that a partial solution of the still common practice of sending paupers to the workhouse might be gained through requiring the cities and towns to bear the expenses of transportation to all institutions that were not entirely penal.⁹²

However, no solution of these difficulties had been reached at the end of the century. In 1899, out of the 902 persons removed by the agent as not eligible for state care, almost one-third (299) had been commitments to the workhouse and house of correction, as opposed to but 38 who had been in the state almshouse.⁹³

An effort had been made to show the attempts at improvement in administrative standards which, throughout this period, resulted from interest in the condition of the "pauper poor and insane persons." It will have been observed how the almshouse system, begun in the preceding period, developed and then, as it proved inadequate, was gradually replaced by "outdoor" relief and by specialized care of certain groups of destitute and handicapped. Little change was made, however, in the poor law principles upon which the administration was based, thereby limiting the extent of the reform.

⁹¹ *Twenty-fifth Annual Report of the Board of State Charities and Corrections, 1893*, pp. 149-50.

⁹² *Twenty-sixth Annual Report of the Board of State Charities and Corrections, 1894*, pp. 145-46.

⁹³ *Thirty-first Annual Report of the Board of State Charities and Corrections, 1899*, pp. 145-46.

CHAPTER X

THE TWENTIETH CENTURY: CONCLUSIONS

The obsolete principles of the present legislation for the relief of the poor have already been indicated, both in relation to the inadequacy of its provisions for giving care to the poor and in its measures for administration.¹ It is necessary, now, to look briefly at the nature of the service rendered in the twentieth century, in carrying out the provisions of the statutes. Local responsibility without any requirement for either central supervision or detailed reporting renders any complete analysis extremely difficult.

Looking, first, at the general methods of care at the beginning of the century (1901), it is seen that twenty-five local jurisdictions still maintained almshouses, while the remaining thirteen towns or cities cared for their poor in one of three ways: by boarding them in private families at rates ranging from \$1.50 to \$3.00 per week; by sending them to the state almshouse, at local expense; or by giving "outdoor relief."² Lack of uniform standards of almshouse administration and care are indicated by descriptions ranging from such indications of inadequacy as "practically uninhabitable . . . no comfortable accommodations for the other inmates or for the keeper and his wife,"³ "neither clean nor comfortable,"⁴ "well badly located and water contaminated by drainage,"⁵ to signs of satisfactory physical conditions as "house scrupulously clean and very comfortable"⁶ or "inmates . . . clean, comfortable and well fed."⁷

A count of the persons being cared for in these institutions in December, the season when institutional population is the largest,

¹ See above, chap. vi.

² *Thirty-third Annual Report of the Board of State Charities and Corrections, 1901*, pp. 153-69. It is interesting to note that the term "indoor" relief was used at that time to describe the aid given by boarding a poor person in a private family as well as in indicating almshouse care.

³ *Ibid.*, p. 164.

⁴ *Ibid.*, p. 163.

⁵ *Ibid.*, p. 153.

⁶ *Ibid.*, p. 166.

⁷ *Ibid.*, p. 160.

indicates that they were not filled to capacity. For example, one institution had no inmates,⁸ one with a capacity of ten persons was caring for four,⁹ another with accommodation for eight had three (one of these a boy of twelve years listed as a "temporary inmate"),¹⁰ while another with accommodations for fifteen was caring for five.¹¹ In other cases, however, unused space for only three or four persons was indicated. Lack of classification is apparent from the records of ten children twelve years of age or under, among the sick, aged, and other persons making up the three hundred and fifty persons being cared for when the count was taken. As no description is given of the physical or mental condition of most of these, it is not possible to say to what extent advantage had been taken of the specialized state services then provided for destitute or handicapped groups. Special record was made of accommodations for "tramps," in "tramp houses" detached from the main almshouse building.

VENDUING OF THE POOR DISCONTINUED

No information is available as to the adequacy of care given to those persons in the towns having no almshouses. At least the auctioning of the poor, either as a whole or in individual cases, was not practiced. On the other hand, there was no indication of attempts to suit the home to the needs of the poor person. It is not likely, except possibly in the case of relatives, that the homes willing to take in persons in need of care for the small amount of board paid would be of a kind in which there prevailed any thought of service in excess of food and shelter.

Differences in administrative costs between early periods and the beginning of the century were apparent. Among these were regular salaries for overseers, ranging from \$15 per year¹² to \$600,¹³ with but eight of \$100 or more.

It should be noted, however, that with the exception of the official in Providence these overseers were farmers or business or professional men giving part time to the office. In three places the town council acted in the additional capacity of overseers of the poor.

⁸ *Ibid.*, p. 160.

⁹ *Ibid.*, p. 155.

¹⁰ *Ibid.*, p. 158.

¹¹ *Ibid.*, p. 162.

¹² *Ibid.*, p. 165.

¹³ *Ibid.*, p. 169.

The salaries of almshouse keepers showed some increase also. However, two were \$300 or less,¹⁴ although the majority ranged from \$350 to \$500 (not including Providence where the keeper and his wife received \$3,000, and Newport where their salary was \$800). In some places the administrative responsibility lay with the town council, who appointed the keeper,¹⁵ while in others special asylum commissioners were given this duty.¹⁶

Two towns still let out their farms and contracted with the farmer for the board of such poor persons as might need care.¹⁷

Because of the differences in the contents of the reports of expenditures, any division of costs between indoor and outdoor relief would be only an approximation. The total spent during the year in the two methods of care was \$117,771.25, an increase of approximately \$16,000, in the two years intervening since the previous report. No complete report was made of the number cared for outside of the institutions.

Even more difficult of analysis is the recent (1934) local care of the destitute in Rhode Island. The lack of uniformity characteristic of local administration is complicated by varying degrees and forms of co-operation with the unemployment relief service.¹⁸

DECREASE OF ALMSHOUSE CARE

The number of almshouses has reached today, in the decline of this method of care, the number of these institutions in existence in 1850, when Mr. Hazard urged their establishment in all the towns.¹⁹

¹⁴ \$150 (*ibid.*, pp. 158, 166).

¹⁶ *Ibid.*, p. 153.

¹⁵ *Ibid.*, p. 155.

¹⁷ *Ibid.*, p. 160.

¹⁸ In September, 1934, the administration of unemployment relief was carried on by the director of public aid in twelve jurisdictions (from list furnished by state administrative office of the Unemployment Relief Service in Providence); see below, pp. 241, 244-45.

¹⁹ In response to inquiries sent out by the State Public Welfare Commission, September, 1934, replies indicated the operation of almshouses by fifteen local units. Although the reports in the office of the state commissioner of finance include one other institution in operation, but fifteen are considered in this summary because of lack of sufficient information concerning the other institution.

From January, 1920, to March, 1922, three towns were authorized by the general assembly to rent, sell, or otherwise dispose "of their town farms." See for the town of Johnston, the *Acts and Resolves Passed by the General Assembly of the State of Rhode Island and Providence Plantations . . .* (hereafter referred to as *Acts and Resolves*), January, 1920, c. 1990, p. 368; Lincoln, *ibid.*, c. 1991, pp. 368-69; Foster, *ibid.*, January, 1922, c. 2272, p. 244.

Moreover, the decline in the number of persons cared for in these institutions has been proportionately much greater. Thus, in 1850, with a state population of 147,545, 500 persons were cared for in local almshouses, while in September, 1934, with a state population more than four and one-half times as large, but 329 persons were being cared for.²⁰ The rate of decrease is about the same between the one large city, Providence, and the remainder of the state.²¹ However, it must be noted that certain of the towns board their residents in need of institutional care at the state infirmary (formerly an almshouse), which, while it means a decrease in local institutional care, would check the decrease in actual institutional care. Providence, on the other hand, has facilities in Dexter Asylum for the care of its legal residents.

The most striking change noticeable during this eighty-five years of almshouse history is in the expenditures. In 1850 the fifteen almshouses spent \$25,752²² for the care of 500 persons, while the annual cost of operation in 1934 was more than \$107,000 for the care of 329 persons,²³ an average per capita expenditure of \$51.50 at the former period as compared to approximately \$320 at the latter. While many factors are responsible for this increased expenditure, the change in the nature of almshouse care is clearly indicated. These institutions have developed from a means of care for all groups of destitute, both able-bodied and infirm, who needed temporary as well as permanent care, to permanent homes for the aged and chronic disabled. Higher standards of care and increased cost of administration have, of course, added further basis for larger expenditures.

²⁰ From a typewritten report furnished by the State Public Welfare Commission, September, 1934.

²¹ Thus, in 1850, the population of the state, outside of Providence, was 106,932, with an average of 295 persons receiving almshouse care. In 1934, with a population of this same territory more than four times as great as in 1850, there has been a decrease of about 100 persons in almshouse care. Providence, in 1850, with a population of 41,513, had an average of 205 persons in the Dexter Asylum, while in 1934, with an increased rate of population of more than six times the former period, the care given in the Dexter Asylum had decreased by more than 65 persons.

²² See above, chap. ix, p. 197.

²³ From a typewritten report furnished by the State Public Welfare Commission, September, 1934.

LACK OF UNIFORMITY INDICATED

Lack of uniformity in standards and of practices is still indicated. Thus one town (Hopkinton) let its farm in return for the provision of board and clothes for one inmate.²⁴ Yet, costs of operation varied less, generally, than in the early periods discussed. However, two towns, each with a hundred acres in their farms, showed a difference of \$1,700 in the cost of operation, with but a difference of two in the number of persons receiving care. It was in connection with the one of these institutions expending the larger sum that a recent difficult situation arose.

In a report made public by the fiscal agent of the State Public Welfare Commission, conditions in the institution were alleged to be unsafe, unsanitary, and dirty, with little or no regard for the comfort of the inmates and with inadequate fiscal control. Quoting from the conditions described:

The main building is in very good condition and could accommodate more people than you now have—perhaps 20 people instead of eight.

Evidence shows that it is not as clean as it should be. The inmates' rooms are poorly cared for and neglected—many showing evidence of bed-bugs. It is also shown that there is little or no attempt made to keep the beds in proper condition. Bed clothing and mattresses are dirty and ill kept. Pillow slips are largely out of use and the pillows are dirty beyond calculation. On several of the mattresses, we found bugs running about. There are not mattresses enough for use with the present number occupying the premises.

An inspection of the linen, mattresses, etc., showed them to be vermin-infested. Apparently, the rooms are never cleaned except spasmodically by some of the inmates.

On my first visit, there were no pillow cases, sheets, etc., and some of the beds were lacking mattresses—inmates sleeping on burlap bags spread on bed springs.

On my second visit, pillow cases had been put on most of the beds, but with apparent utter disregard of the hundreds of bed-bugs, etc., which were crawling all over the mattresses. . . .

We feel, too, that the building should be more adequately protected from the standpoint of fire prevention. Some of these elderly men are housed on the third floor and in adjacent rooms are stored old newspapers and other highly inflammable material. I could see no fire extinguishers on this floor and on the second floor only one very small extinguisher which apparently has not been inspected or refilled in a long time.

²⁴ Report furnished by the State Public Welfare Commission, September, 1934.

As this is a wooden structure, and at least one of the inmates is practically bed-ridden, we think it would be wise to take additional precautions. . . .

We are of the opinion that this Town Farm, properly operated, with accounts kept, could be made to carry itself very much better than at present.²⁵

Problems of administration were indicated by the apparent confusion as to who was responsible for the dismissal of the keeper—a conflict in authority between the town council, the director of public aid, and the keeper of the almshouse. The keeper, furthermore, had received no pay for “many months.” Internal strife, owing obviously to improper classification of inmates, was to be avoided by the transfer of four men designated as “trouble-makers”—two to be sent to the State Hospital (for mental diseases) and two to be put to work under the supervision of the public works administration.

Inadequate fiscal control was indicated by the lack of any “attempt to keep an account of running expenses,”²⁶ which shows a relationship to the high expenditures indicated above.

While no attempt should be made to characterize the fourteen other local asylums from the condition of this one, the fact that the conditions as described could exist in 1934 gives adequate proof of the dangers of lack of supervision and standardization in maintaining fifteen or sixteen local institutions.

STATE ALMSHOUSE BECOMES “STATE INFIRMARY”

It should be noted that during this period the state almshouse became in name what it had been in fact for a long time—a state infirmary. Note has been made of the increasing use of that institution as a place for the care of the sick. In 1910 even more emphasis was placed by the report of the central authority upon the hospital nature of this almshouse, when it was stated that, with few exceptions, every inmate admitted had immediate surgical or medical care.²⁷ However, it was not until 1917 that legislative provision was made for a change of title to “State Infirmary.”²⁸ Since that time the insti-

²⁵ *Providence Evening Bulletin*, August 11, 1934.

²⁶ *Ibid.*

²⁷ *Forty-second Annual Report of the Board of State Charities and Corrections, 1910*, p. 131.

²⁸ *Acts and Resolves*, “An Act To Provide for the Supervision, Administration and Control of Penal and Charitable Institutions,” *January, 1917*, c. 1470, Art. III, p. 37.

tution has been recognized as a place to which local, as well as state, charges may be sent for hospital care. It is, in addition, used as the hospital for other state institutions.

Any adequate discussion of methods of care or of expenditures for persons aided at the present time in their own homes is very difficult. While provision is made for the transmission of reports of local expenditures to the state commissioner of finance, lack of uniformity in these reports prevents any accurate compilation of data.²⁹ An additional source of information is offered in certain towns which publish treasurer's reports, but here, again, lack of uniformity in items and differences in fiscal years rule out a summary of these.

PRINCIPLES OF DETERRENCE

That deterrent measures are in use is indicated by the publication, both in newspapers and in printed treasurers' reports, of lists of persons receiving relief, together with the amounts expended and the purposes for which they were made. Thus in South Kingston, under "Outside Poor," items for rent, shoes, board, and groceries were included. "Tramp meals" were paid for at a cost of \$75.³⁰

More explicit was the Exeter treasurer's report,³¹ which included not only the names of persons to whom bills were paid but also the families or individuals aided and the purposes of the expenditure. Thus:

April 13—Relief of James O—	\$ 5.00
May 5—Medical attendance to family of F— R— by Dr. Goff	14.00
Sept. 6—Confinement case of Mrs. E— H— and treatment of Mrs. L— J— by Dr. Kenyon	28.00
Jan. 5—Clothes for son of W— C—	5.44

²⁹ Required under Provision of c. 44, *General Laws* (1923), as amended by *Public Laws* (1931). These differences include overlapping fiscal years, lack of segregation, in some places, of local aid and unemployment relief, differences in classification of expenditures, irregular segregation of asylum expenses (reports examined in the office of the state commissioner of finance in Providence).

³⁰ *Providence Journal*, September 4, 1934. It is not clear, from the form of this report, which names listed were those of the poor persons and which those to whom were made payments for supplies.

³¹ *Exeter Tax Book and Town Treasurer's Report 1933*, pp. 34-35. Although the names are already a matter of public record, they are abbreviated here.

An item similar to those found so frequently a century previous was that of \$9.00 allowed to three men for appraising the personal property in the town asylum.

Similar reports are made in Tiverton,³² Burrillville,³³ Cumberland,³⁴ and Bristol.³⁵ Hopkinton³⁶ and Central Falls³⁷ are examples of towns which, on the other hand, while listing amounts and items of expenditures, do not include the names of persons to whom the aid was given.

TITLE OF "OVERSEERS OF THE POOR" CHANGED

As has previously been noted, the office of the overseer of the poor developed in the colonial period from the time when the duties were chiefly assessment and collection of the rates to a definite delegation of responsibility for the relief of the destitute. With the opening of the nineteenth century, the already established provision for the election of these officials, along with others of the town, was continued. The number to be elected in each town was left to the discretion of the town. Refusal to serve subjected one to a fine of \$7.00 although no one was obliged to serve more often than once in seven years.³⁸ This penalty was not removed until 1872.³⁹

The first provision for the election of overseers by the town council came with the provision in 1844 that those towns which failed to elect any of their officers at the general election might appoint them at the next succeeding council meeting.⁴⁰ Definite authority was also

³² *Annual Report of Town Treasurer of the Town of Tiverton, R.I., 1933-34*, pp. 21-23.

³³ *Annual Report of the Town Treasurer [of Burrillville], January 31, 1933*, pp. 37-46.

³⁴ *Annual Report of the Town Treasurer of Cumberland, January, 1931*, p. 36.

³⁵ *Report of Budget Committee to Annual Financial Town Meeting, Including Report of the Town Treasurer, March, 1934*, p. 23.

³⁶ *Hopkinton Tax Book with Report of Town Treasurer, Auditor's Report, and List of Town Officers, April, 1933*.

³⁷ *Annual Report of City Officers, November 30, 1933*, p. 57.

³⁸ *Public Laws* (revision of 1798), pp. 331-32, "An Act establishing the Election of Town Officers in each Town within this state," secs. 1-3.

³⁹ *General Statutes* (1872), Title VII, c. 34, "Of the Election and Qualification of Town officers," pp. 93-95.

⁴⁰ Failure to elect had previously carried a penalty of \$200 (*Public Laws* Revision of 1822, p. 260, sec. 7). Special acts in 1839 and 1859 had delegated to the Newport and Providence councils the right to appoint overseers in case of the incumbents' resigna-

given to towns to delegate to the councils the election of such officials as they chose (with the exception of town clerk, council, justice of the peace, and treasurer).⁴¹ In 1862 an amendment specifically gave to the town councils the right to "elect so many persons as overseers as they [deemed] expedient."⁴² Thus was built up an alternative to the provision for general election of these officials, which has continued.

At the present time the elections by the towns are about evenly divided between the two forms. In 1915 authority was delegated to the overseer of the poor of Providence to appoint biennially, subject to the approval of the city council, a deputy overseer. The duties of the deputy were to assist the overseer, and, in case of absence or disability, to exercise the overseer's powers and duties. The salary of this official was to be fixed by the city council, but the overseer was given the authority to remove him from office at any time.⁴³

In 1925 a change in terminology, without change in function, method of choice, or of qualifications, was made by an act which substituted the name of "director of public aid" for "overseer of the poor."⁴⁴

Sufficient attention has been given in the discussion of the administration of the legislation for relief of the destitute to the duties and responsibilities of these officials. It should be noted, however, that, in spite of the customary practice of part-time service, the duties have sometimes been performed in connection with other official responsibilities. Thus, in Warren, the overseers were given ex officio the administration of the asylum—a duty for which special commissioners were in some places appointed by the town. In at least three towns the town councils have served as overseers, meeting, in Tiver-

tion, removal, or failure to discharge duties. By that provision, however, the term of the appointed official extended only until the succeeding annual election. See *Acts and Resolves, January 1839*, pp. 87-88; *Public Laws, May, 1859*, c. 318, p. 78.

⁴¹ *Public Laws* (revision of 1844), p. 302, "Act in Relation to Election and Duties of Town Officers," sec. 5.

⁴² *Ibid.*, 1861-63, c. 411, sec. 1, p. 173.

⁴³ *Acts and Resolves, January, 1915*, c. 1275, sec. 1, p. 275.

⁴⁴ *Ibid.*, *January, 1925*, c. 664, "An Act Changing the Name of Overseers of the Poor to Directors of Public Aid," p. 176.

ton, in separate sessions for the separate functions. Although the statute in Middletown provides for the election of five overseers of the poor as well as for five councilmen, the same five have been elected to both positions. In Hopkinton the keeper of the asylum is also director of public aid.⁴⁵

An interesting problem arose in 1905 which had to do with the right of the overseers of the poor to make contracts.⁴⁶ These officials in Lincoln had agreed to provide daily a certain amount of milk to a customer, who was to call for it at the town farm. Several months later the cows were put to death by federal officers on suspicion of their having foot and mouth disease, whereupon the purchaser of the milk sued the town because of the loss his business had suffered due to the refusal of the poor department to furnish him with milk thereafter. When a decision was given in favor of the town on the basis that the contract was one which the town was not capable of making, the case was appealed. The upper court held that the judgment of the lower court was correct and refused a new trial on the ground that a town can enter into only such contracts as are essential to its objects and purposes as a municipal corporation. As the purpose of the town farm was the support of the poor, any business which would further that aim was permissible, and that would include the sale of surplus milk not used on the farm. This contract, however, was not of such a nature and therefore not valid.

A problem arose in 1914 in relation to the provision for the appointment by the overseer of the poor of the keeper of the town farm, which was settled by judicial decision.⁴⁷ Beginning with the year 1900, Mr. Ashworth had been annually appointed by Mr. Maymon, overseer of the poor, as keeper of the town farm, Mrs. Ashworth serving as matron. Upon the expiration of Mr. Maymon's term of office in 1907, Mr. Ashworth was elected overseer of the poor in his place. Mr. Ashworth thereupon appointed himself keeper of the farm at the same salary as heretofore. On July 28, 1913, Mr.

⁴⁵ *Hopkinton Tax Book with Report of Town Treasurer, Auditor's Report, and List of Town Officers* (1933), p. 78.

⁴⁶ *Oliver Staples v. Charles Walmsley, Town Treasurer of Lincoln*, 27 R.I. 181 (1905).

⁴⁷ *Town of Lincoln v. Ashworth*, 90 *Atlantic Reporter* 545 (1914) (not found in Rhode Island Reports).

Lambert was elected overseer of the poor and ordered Mr. Ashworth to leave the farm on or before August 16 of the same year. Mr. Ashworth claimed, however, that he occupied the premises under a yearly contract and that his term would not expire until April 1, 1914. Suit was commenced in the district court on September 24 to recover possession of the farm. On December 31 another notice was given Mr. Ashworth to leave the farm on or before April 1, 1914. Mr. Ashworth demanded a jury trial, whereupon the case was turned over to the superior court. Upon a motion of the town for a directed verdict, Mr. Ashworth moved that a judgment of nonsuit be given. Mr. Ashworth's motion was granted, whereupon the town took exception to the refusal of the trial court to direct a verdict in its favor and to the granting of a nonsuit. Upon appeal, however, the upper court held that the arrangement regarding the management of the town farm must have been known and fully understood by the town authorities and considered satisfactory to them. Any strict legal interpretation of the contract would be useless as continued payment of the salary of the keeper and the matron over a period of years constituted a ratification of Mr. Ashworth's appointment of himself. He therefore had a right to remain until the expiration of the yearly period. The case was remitted to superior court with the town's exceptions overruled and directions given to enter a judgment for nonsuit.

The practice during the latter part of the nineteenth century of paying a regular salary instead of fees or expenses has been indicated. This has now become general. There is, however, no apparent uniformity in the amounts allowed for this service. These range from slightly under \$20 per month to an overseer on part-time basis to \$150 for a full-time official.⁴⁸ In many places, housewives, farmers, business and professional men, just as in the days when the position was strictly voluntary, give a part of their time. One could almost say of the requirements of the incumbent of this office what the agent of the Board of State Charities and Corrections said almost forty years ago:

⁴⁸ From town records in "Annual Reports Required under Provisions of Chapter 44, General Laws 1923 as Amended by Public Laws, 1931," examined in the office of the State Commissioner of Finance, Providence, R.I.

The duties of an overseer of the Poor are always perplexing; it has been said that the good overseer is born not made. Whether that is true or not cannot be argued at this time, but the good overseer is a large hearted, cool headed, non sentimental official who uses a large amount of common sense in his business. While always on the alert to relieve temporary distress his hand never opens widely to the chronic beggar; his lines are not laid in pleasant places, nor are his paths always the paths of peace. If he spends his appropriations too freely he is condemned in high places; the growls of the tax-payer are heard in the market-places. If he refuses to give where his conscience says no, he is condemned by whilom voters, who promise to make it unduly warm for him at the next election. . . . The tax-payers should look long and carefully for the right man, and, having elected him, give him their unqualified support, which is the kind of support the Overseers, one and all, are giving to the Agent of State Charities and he takes great pleasure in thus publicly acknowledging it.⁴⁹

There was no recognition then, and there is little evidence today, in most of the jurisdictions that this was a position calling for skilled professional service rather than for a "large heart," a "cool head," and lack of sentiment subject to the will of partisan politics.

The possibilities for improved administration of the poor law in relationship with the emergency-relief administration have been mentioned. This has been demonstrated in two places,⁵⁰ at least, by the substitution of a director of public aid for the former administration by the council who had also acted as overseers of the poor, acting in combination in the administration of local relief as well as the emergency fund.

Credit must be given to certain groups or individuals in the state who have been interested in reforms, although, for the most part, these interests have not been directed to a reform of the poor law.

Reference has already been made to the discussion, by the central welfare authority during the latter part of the nineteenth century, of the need for change in the settlement provisions and the question of the desirability of establishing some form of "outdoor relief."⁵¹ During the twentieth century the emphasis of this group, as expressed in the annual reports, has been upon the acknowledged state services, thus definitely recognizing the administration of relief to the

⁴⁹ *Twenty-eighth Annual Report of the Board of State Charities and Corrections, 1896*, pp. 145-46.

⁵⁰ Tiverton and Middletown. See below, pp. 244-45, for reference to legislation.

⁵¹ See above, chap. ix, p. 221.

settled destitute as a local problem. One statement seems to express this attitude. This recommended the adoption of "a policy that [insured] the widest sphere of self government consistent with the sovereignty and welfare of the state in all matters of local administration. Unnecessary centralization of power should be avoided."⁵²

On the other hand, two recent reports of the State Public Welfare Commission have recommended changes in the legislation. Thus, in 1932, problems of relief to the unsettled "pauper" were discussed in connection with the need for a provision for state "out-door" relief⁵³ and the reduction of the settlement requirements.⁵⁴ Again, in 1933, a statement of the need for revision of these laws in order to bring them "in line with modern thought" was accompanied by the recommendation that the governor appoint a commission for this purpose.⁵⁵

The governor's messages have contained frequent references to public welfare activities of the state, concerned in the twentieth century, especially, with the activities of the central welfare authority or with special groups of the handicapped or the destitute for whom the state has assumed responsibility.

Another group which frequently discussed needed changes was the Association of the Overseers of the Poor, organized in 1894 in response to a suggestion of the agent of State Charities and Corrections. However, it is quite probable that the attitude of this group, in the earlier years at any rate, was largely a reflection of the opinions of the agent who took an active part in the meetings and discussions of the group. It seems quite likely that such a group, representative of every town in the state, if really interested, might have influenced some legislative changes. However, results of the optimism expressed by the agent a few years after its organization, that it could "wield a powerful influence for wise legislation," have not been obvious. It could not be expected, moreover, that a group of men elected in the local unit, for the most part without any specified

⁵² *Sixth Annual Report of the State Penal and Charitable Commission*, 1923, p. 11.

⁵³ *Ninth Annual Report of the State Public Welfare Commission*, 1930-31, p. 201.

⁵⁴ See above, chap. vii, p. 137.

⁵⁵ *Eleventh Annual Report of the State Public Welfare Commission*, 1932-33, p. 161. See below, p. 244.

qualifications for their work as overseers of the poor, would be leaders in the movement for reform of the legislation or administration of this function. A modern law requiring qualified workers would mean an end of their services.

However, the minutes of the meetings of this group disclose such topics of discussion as the following: revision of the poor laws of the state,⁵⁶ the divorce of the position of overseer from politics because "the work involved required so much judgment and tact that the tenure of office should be for more than a year,"⁵⁷ the need of change in the settlement laws,⁵⁸ the value of county almshouses to take the place of town farms and also to decrease the commitments to the state almshouse, various aspects of the division of responsibility between state and local units,⁵⁹ care of the "outside" poor,⁶⁰ approval of proposed bills for the establishment of new services such as the erection of new buildings on the state farm,⁶¹ the passage of the Juvenile Offenders' Act,⁶² and the need for a tuberculosis hospital.⁶³

One definite step taken which afforded an opportunity for real service was the establishment of an "arbitration committee" to aid in the solution of differences arising between overseers in relation to the settlement of poor persons. There is no record in the minutes, however, of the extent to which this service was performed.

The most recent group fostering a movement for reform of the poor law was the Central Relief Committee of Providence in 1933-34. This consisted of "representatives of the chief agencies existing for the relief of suffering due to unemployment and poverty."⁶⁴

This committee in a resolution prepared for presentation to the general assembly drew attention to the out-of-date provisions of the present law, and to the need for a modern statute.

⁵⁶ *Twenty-eighth Annual Report of the Board of State Charities and Corrections, 1896*, p. 146.

⁵⁷ Minutes of Meeting of Overseers of the Poor of the State (not printed; in office of the secretary in Cranston, R.I.), pp. 10-14.

⁵⁸ *Ibid.*, pp. 148, 39, 47 for examples.

⁶¹ *Ibid.*, p. 14.

⁵⁹ *Ibid.*, p. 130.

⁶² *Ibid.*, p. 99.

⁶⁰ *Ibid.*, p. 85.

⁶³ *Ibid.*, p. 14.

⁶⁴ From a copy of the letter accompanying a resolution sent to the general assembly (provided by a member of the Committee).

Two alternatives were suggested by this group as a means of assurance that a properly prepared bill should be presented. The first was a legislative appointed commission of three, who should prepare a revision of the law and report it at the next session of the legislature. Suggested qualifications of the personnel of this commission included one person versed in statute law, probably an attorney, and at least one social work executive. The suggested alternative to this plan was the appointment of an informal private committee by the Central Relief Committee or the Council of Social Agencies, who should prepare the revision for presentation to the legislature.⁶⁵ The resolution sent to the general assembly provided for the appointment of a commission of three by the governor to be aided by the state law revision commissioner and the Legislative Reference Bureau.⁶⁶ No positive results have yet been obtained through the activity of this group.

A resolution passed in 1913 by the general assembly had asked for the appointment of a commission to study the laws of Rhode Island and of other states in relation to settlement and the relief of the destitute, a report to be made not later than 1917.⁶⁷ No further record of this is available, however.

Legislation for emergency relief in Rhode Island has not been discussed in this study, because it does not change by addition or amendment the principles of the poor law. Most of this legislation, moreover, deals with the means of financing the emergency program. However, certain phases should be noted which, providing for administrative relationships between state and local units, while of definite time limit, set a precedent for centralization which affords interesting opportunities for permanency.

Thus in 1931 a state unemployment relief commission was created and given the responsibility of administering the emergency-relief funds through the directors of public aid in the local units.⁶⁸

⁶⁵ From MSS of the Report of the Committee.

⁶⁶ From a copy of the Resolution sent to the Rhode Island General Assembly, January session, 1933 (provided by a member of the Committee).

⁶⁷ *Acts and Resolves, January, 1913*, p. 267.

⁶⁸ "An Act creating an unemployment relief commission and defining its powers and duties; authorizing the several cities and towns to borrow money for unemployment relief and issue notes therefor; providing for the distribution and administration of said relief and making appropriations to purchase said notes and for the expenses of said commission," *Acts and Resolves, Special November session, 1931*, c. 1855, pp. 3-12.

By additional legislation in 1933,⁶⁹ 1934,⁷⁰ and 1935,⁷¹ the duration of the temporary commission has been extended, the present term continuing to June 30, 1937.

Of particular interest to this study is the provision giving authority to the state unemployment relief commission to request of a town council the appointment of a work-relief bureau if the local director of public aid is inefficient or remiss, thus affording a central supervision of administration which concerns the local poor relief.⁷²

Reference should also be made to two statutes passed in 1935, which while having no direct effect upon the poor law show an interesting tendency toward centralization. One of these statutes reorganized and consolidated the administration of state government into eleven departments, one of which, a Department of Public Welfare, supplants the State Public Welfare Commission.⁷³ The other act referred to provides for assistance to aged persons and is to be administered by a special division of the Department of Public Welfare,⁷⁴ which is also to have supervision of mothers' aid and children's care. This act specifically states that no part of it shall be construed as repealing any legislation providing for the support of

⁶⁹ "Emergency unemployment relief act of 1933" (short title), *ibid.*, January, 1933, c. 2011, pp. 1-27. See also "An Act providing for an emergency federal aid system of public works for the state and the municipalities thereof: creating an emergency public works commission and defining its duties and powers: providing for the borrowing of money for such public works: and making appropriation for the payment of certain interest on money so borrowed and for the expenses of such commission," *ibid.*, June, 1933, c. 2078, pp. 1-15.

⁷⁰ "An Act extending the term of existence of the state unemployment relief commission created by Chapter 2011 of the Public Laws passed at the January 1933 Session, of the General Assembly . . ." January, 1934, c. 2082 (advance sheets).

⁷¹ H.B. 860, January, 1935 (advance sheets).

⁷² *Acts and Resolves*, January, 1933, c. 2011, sec. 23, p. 20. By sec. 16 of this act town councils were given the right to designate either the director of public aid or a special work-relief bureau to be responsible for the administration of both work relief and home relief.

⁷³ "An Act to reorganize and consolidate into eleven state departments all existing state boards, bureaus, commissions and administrative agencies, defining their powers and duties and providing for the transfer of all powers and duties conferred by law upon existing administrative agencies of the state government to said eleven state departments," *ibid.*, January 1, 1935, c. 2188 (advance sheets).

⁷⁴ "An Act to provide for the protection, welfare and assistance of aged persons in need and resident in the state of Rhode Island," *ibid.*, April 18, 1935, in January session 1935, c. 2191 (advance sheets). (Duration of provision limited to January 1, 1942.)

the poor, but that it "shall be construed as an additional method of supporting and providing for the aged poor during the present emergency" and to comply with any legislation that may be enacted by the Congress of the United States. No person receiving aid under the provision of the act, furthermore, is to "be deemed a pauper by reason thereof."⁷⁵ Without discussing in detail the provisions of this act, it should be noted that again some provision for co-operation with the administration of local poor relief is made by assigning to the directors of public aid in all towns and cities the duty of investigating applicants for aid under the act.⁷⁶

Thus gradually there are growing up between the local units and the central authorities additional administrative relationships, and yet there remains today, after three hundred years of use, a poor law with general principles unchanged, administered by governmental units a few miles in area, with limited taxing power and without provisions for skilled service or for uniformity of standards.

It should be recalled that relief during the early days was meager and that measures to ward off possible new charges on the often empty treasury seemed very harsh. One should, however, consider the effects of the origin of the colony and of its extreme poverty.⁷⁷ The wonder would be, then, that comparatively so much time and effort in both general assembly and town meetings as well as so large a proportion of the available funds were given to care for the destitute and unfortunate. Skilled administration was not there, but genuine sympathy and a feeling of responsibility for the "ancient neighbors" resulted in interesting "case histories" pieced together in this study from the town and assembly records. Care often continued for several years, and in one case⁷⁸ for thirty years. It is easier to understand how the citizens of Providence, at a town meeting held "vnder a Tree by y^e Water side,"⁷⁹ knowing the treasury to be empty, might hesitate over receiving inhabitants

⁷⁵ *Ibid.*, sec. 26.

⁷⁷ See above, chap. i, p. 3.

⁷⁶ *Ibid.*, sec. 15.

⁷⁸ See above, chap ii, p. 19.

⁷⁹ *The Early Records of the Town of Providence* (printed under the authority of the City Council of Providence by the Record Commissioners [Providence: Snow & Farnham, 1892-1909]), XV, 151.

whose means of support were doubtful than it is to reconcile with the present economic and social organization the strict and often cruel enforcement of the provisions of the modern settlement laws.

PRESENT SYSTEM INADEQUATE

But even if such provision may have been satisfactory when used by members of the colonial town meetings in consideration of the problems of their neighbors, neither this provision nor the added emphasis on deterrence is adapted to a period three centuries later.

The size of the state seems in fact to offer an unrivaled opportunity for developing a degree of centralized supervision that would be far less simple of achievement in one with larger area. The absence of counties, moreover, with the often arbitrary boundaries seems to indicate the possibility of administrative districts, adequate in size to supplant those which developed to suit a social, political, and economic organization of the 1600's. With this development and incident to it would be the recognition of the professional character of the services.

As the courage of the founders led them to establish, in Rhode Island, a degree of civil liberty theretofore untried in the colonies, so at the present time a similar spirit might be used to provide a service to the needy of the state commensurate with the early ideals of justice.

APPENDIXES

APPENDIX I

LIST OF LAWS OF RHODE ISLAND RELATING TO THE POOR

- 1647. "Poore," May, 1647, *Rhode Island Colonial Records*, I, 184.
- 1662. [Each town to be responsible for the relief of the poor, sick, and impotent], March, 1662, *Acts and Laws of the Colony of Rhode Island* (1719),¹ p. 10. (Facsimile reprint, Rider, Providence, 1895.)
- 1662. [Town councils may take bonds of strangers], *A and L* (1719), p. 12.
- 1662. "AN ACT to prevent any masters of ships or any other vessel to bring on shore any passengers without leave of the authority," *L and A*, 1636-1705, p. 53. (Rider facsimile.)
- 1679. "AN ACT prohibiting sports and labours on the first day of the week," May 6, 1679, *A and L* (1719), p. 32. (Fines to be used for use of the poor.)
- 1687. [Towns given right to levy rates for relief of the poor], September 14, 1687, *R.I. Colonial Records*, III, 232.
- 1696. "AN ACT to forbid Intruders on ye Lands and Propriety of ye Purchases made in & throughout ye Narraganset Country," *L and A*, 1636-1705, p. 40.
- 1702. "AN ACT for ye Preventing the Inhabitants of this Colony from Harbouring and Consequence Vagaren Persons, Runaways, & Deserters from his Majestey's Service," *L and A*, 1636-1705, pp. 52-53.
- 1721. "AN ACT for the better preventing of drunkenness," May, 1721, *A and L* (Newport, 1730), pp. 114-15.
- 1721. "AN ACT to redress the misemployment of lands, goods, stocks of money heretofore given to certain charitable uses," October, 1721, *A and L* (1730), pp. 122-24.
- 1727. "AN ACT enabling the town council of each respective town in this colony, to receive or reject any persons from being inhabitants in the same," February, 1727, *A and L* (1730), pp. 150-51.
- 1729. "AN ACT for preventing of strangers coming into the colony, from any parts whatsoever by sea, excepting Great Britain, Ireland, Jersey and Guernsey, from being chargeable to any town in this colony whereunto they shall come," June, 1729, *A and L* (1730), pp. 185-86.
- 1736. "AN ACT against bribery, and corruption in voting for officers in this government," *A and L* (October, 1736) (Supplementary pages to the Digest of 1730 of the Acts and Laws of Rhode Island, facsimile reprint, Providence, p. 280).

¹ Hereinafter designated as *A and L*.

1741. "AN ACT empowering the town council of each town within this colony to bind out as apprentices, poor children that are likely to become chargeable to the town wherein they live," April, 1741, *A and L* (Newport, 1745), p. 236.
1742. "AN ACT empowering the several town councils of this colony to have the care and oversight of all persons who are delirious, distracted, or *non compos mentis* and their estates," October 27, 1742, *A and L* (1745), p. 249.
1745. "AN ACT empowering the overseers of the poor of the town of Newport to commit persons to the work-house," February, 1745, *A and L*, 1745-52, p. 11.
1747. "AN ACT enabling the several towns in this colony to make such town acts as to them may seem meet, for the raising of monies to defray the charges of each town," February, 1747, *A and L*, 1745-52 (Newport, 1752), p. 46.
1748. "AN ACT directing the method of gaining a legal settlement in any town in the colony, and for removal of poor persons from their illegal to their legal place of settlement," June, 1748, *A and L*, 1745-52, pp. 48-51.
1749. [List of statutes of England to be enforced in the colony], *A and L*, 1745-52, p. 71.
1750. "AN ACT providing in case of fire breaking out in the town of Newport, and for the more speedy extinguishing thereof; and for preserving of goods endangered thereby," *A and L*, 1745-52, pp. 73-74. (Fines for use of the poor.)
1750. "AN ACT for the preventing of damage by firing of the wood in any town in this colony," March, 1750, *A and L*, 1745-52, pp. 97-98. (Fines for use of the poor.)
1752. "AN ACT regulating the proceedings in cases of bastardy," June, 1752, *A and L*, 1745-1752, pp. 107-9.
1752. "AN ACT for punishing criminal offences," *A and L*, 1745-1752, pp. 169-76. (Fines for use of the poor.)
1753. "AN ACT establishing an almshouse and workhouse in the county of Providence," February, 1753, *A and L* (Newport, 1767), p. 8.
1753. "AN ACT for encouraging and carrying into execution, so laudable an undertaking," February, 1753, *A and L* (1767), pp. 9-10. (Concerning foregoing act.)
1753. "AN ACT empowering the overseers of the poor of each town in this colony to bind out idle and indigent persons," *A and L* (1767), p. 197.
1755. "AN ACT declaring how far parents and children are liable to maintain each other," *A and L* (1767), p. 201.
1757. "AN ACT to prevent canoes and boats being made fast to the pillars and abutments of the bridge at Pawtuxet Falls," *A and L* (1767), pp. 25-26. (Fines for use of the poor.)

1760. "AN ACT to prevent laying vessels to, and lading and unlading wood or heavy wares or merchandise upon the bridge over Opponang River," *A and L* (1767), p. 25. (Fines for use of the poor.)
1762. "AN ACT regulating the manner of admitting freemen and directing the method of electing officers in this colony," *A and L* (1767), p. 78.
1765. "AN ACT empowering the overseers of the workhouse of the town of Newport more effectually to secure said town from costs and expenses arising from idle and disorderly persons," February, 1765, *A and L* (1767), pp. 198-99.
1765. "AN ACT directing what shall be a legal settlement; and for removal of poor persons and the method of binding out poor children," September, 1765, *A and L* (1767), pp. 228-32.
1765. "AN ACT establishing the election of town officers in each town within this colony," *A and L* (1767), pp. 87-88.
1769. "AN ACT in addition to an act for regulating in cases of bastardy," February, 1769, *A and L* (Newport, 1772), p. 12. (Facsimile reprint, Gregory, Providence, 1893.)
1769. "AN ACT in addition to an act intituled 'An act declaring how far parents and children are liable to maintain each other,' " June, 1769, *A and L* (1772), p. 17.
1769. "AN ACT in addition to an act intituled 'An act for regulating in cases of bastardy,' " September, 1769, *A and L* (1772), 18-19.
1795. "AN ACT in amendment of an act, entitled 'An act directing what shall be a legal settlement: and for removal of poor persons and the method of binding out poor children,' " *Acts and Resolves, January, 1795*,² pp. 6-8.
1795. "AN ACT in amendment of an act entitled 'An act regulating the proceedings in cases of bastardy' and of an act passed in September in 1769 entitled 'An act regulating the proceedings in cases of bastardy,' " *A and R, January, 1795*, pp. 19-22.
1795. [Provision for revision of laws], *A and R, May, 1795*, p. 18.
1796. "AN ACT ascertaining what shall constitute a legal settlement in any town in this state, and for repealing all laws made heretofore for that purpose," *A and R, October, 1796*, pp. 9-10.
1796. "AN ACT for the better ordering of the police of the town of Providence and regulating the workhouse in the said town," *A and R, October, 1796*, pp. 15-20.
1797. "AN ACT laying a fine upon officers, or other persons, for bringing into this state, from any neighboring state, any person who may be liable to become chargeable," *A and R, October, 1797*, pp. 12-13.
1798. "AN ACT declaring towns to be bodies corporate, establishing town council, regulating town meetings, and prescribing the manner of recovering debts due from towns," *Public Laws* (revision of 1798),³ pp. 326-31, sec. 6. (Power given to town to raise money.)

² Hereinafter designated as *A and R*.

³ Hereinafter designated as *PL*.

1798. "AN ACT establishing the election of town officers in each town within this state," *PL* (revision of 1798), pp. 331-32, secs. 1-3.
1798. "AN ACT ascertaining what shall constitute a legal settlement in any town in this state," *PL* (revision of 1798), pp. 345-47.
1798. "AN ACT providing for the relief, support, employment and removal of the poor," *PL* (revision of 1798), pp. 348-58.
1798. "AN ACT relative to slaves and to their manumission and support," *PL* (revision of 1798), p. 611, sec. 11.
1799. [Towns which have demands against state for support and maintenance of paupers to exhibit at next session of the general assembly], *A and R*, *October, 1799*, p. 23.
1800. [Accounts for state paupers presented by towns], *A and R*, *February, 1800*, pp. 24-31.
1800. "AN ACT in amendment of an act entitled 'An act providing for the relief, support, employment and removal of the poor,' " *PL*, *February, 1800*, p. 38. (Poor children may be bound out in Massachusetts or Connecticut.)
1800. "AN ACT to repeal the fourteenth section of an act entitled 'An act providing for the relief, support, employment and removal of the poor,' " *PL*, *February, 1800*, p. 38. (Discontinues state support for unsettled poor.)
1803. "AN ACT in addition to an act providing for relief, support, employment and removal of the poor," *PL*, *October, 1803*, pp. 99-100. (Punishment for disobedience of order of removal.)
1804. "AN ACT to repeal the last paragraph of the first section of 'An act ascertaining what shall constitute a legal settlement in any town in this state,' " March 3, 1804, *PL*, *February, 1804*, p. 105.
1805. "AN ACT in amendment of an act entitled 'What shall constitute a legal settlement in any town in this state,' " June 15, 1805, *PL*, *June, 1805*, pp. 123-24.
1808. "AN ACT in addition to an act entitled 'An act empowering the overseers of the poor and workhouses in the town of Newport more effectively to secure said town from costs and expenses arising from idle and disorderly persons,' " *PL*, *May, 1808*, pp. 176-78.
1812. "AN ACT in amendment of an act entitled 'An act providing for the relief, support, employment and removal of the poor,' " February 29, 1812, *PL*, *1810-14*, pp. 146-47. (Regulating removals.)
1815. "AN ACT for the better ordering of the police of the town of North Providence and of the workhouse and bridewell to be established therein," June 23, 1815, *PL*, *1810-21*, p. 194.
1815. "AN ACT in addition to an act entitled 'An act providing for the relief, support, employment and removal of the poor,' " November 3, 1815, *PL*, *1810-21*, p. 212. (Denies settlement without permission to one previously removed.)
1818. "AN ACT in addition to an act providing for relief, support, employment and removal of the poor," February 17, 1818, *A and R*, *February, 1818*, p. 3. (Masters of vessels to report passengers.)

1820. "AN ACT relating to the overseers of the poor and asylums in the town of Newport," *A and R, May, 1820*, pp. 15-16.
1822. "AN ACT establishing the election of town officers in each town within this state," *PL* (revision 1822), p. 260, sec. 7.
1822. "AN ACT providing for the relief, support, employment and removal of the poor," *PL* (revision 1822), pp. 272-80.
1822. "AN ACT regulating proceedings in cases of bastardy," *PL* (revision of 1822), pp. 280-86.
1823. "AN ACT relating to the overseers of the poor and to the asylum in the town of Bristol," *A and R, June, 1823*, p. 19.
1825. "AN ACT in addition to an act entitled 'An act providing for the relief, support, employment and removal of the poor,' " November 4, 1825, *PL*, 1825-27, p. 620. (Owner responsible for occupancy of house by person ordered removed; fine \$50.)
1826. "AN ACT in amendment of an act entitled 'An act providing for the relief, support, employment and removal of the poor,' " October 31, 1826, *PL*, 1825-27, pp. 642-43. (Regulating removals.)
1831. "AN ACT to incorporate the city of Providence," November 4, 1831, *PL*, 1825-42, pp. 760-70. (Right for freeman to hold meeting to transact business in relation to Dexter Estate.)
1832. "AN ACT relating to the overseers of the poor and to the asylum in the town of Portsmouth," *A and R, June, 1832*, pp. 42-45.
1836. "AN ACT relating to the overseers of the poor and to the asylum in the town of North Providence," *A and R, January, 1836*, pp. 63-65.
1837. "AN ACT regulating the sale of spiritous liquors in certain cases," January 7, 1837, *A and R, January, 1837*, p. 6. (Relation to asylums for the poor.)
1837. "AN ACT relating to the overseers of the poor and to the asylum in the town of Smithfield," *A and R, October, 1837*, pp. 49-51.
1838. "AN ACT in addition to an act entitled 'An act providing for the relief, support, employment and removal of the poor,' " *A and R, January, 1838*, pp. 81-82. (Binding out of minor children.)
1838. "AN ACT in addition to an act entitled 'An act providing for the relief, support, employment and removal of the poor,' " *A and R, June, 1838*, pp. 5-6. (Repeals public whipping for disobedience of removal orders.)
1839. "AN ACT relating to the overseers of the poor and to the asylum in the town of Cumberland," *A and R, January, 1839*, p. 36.
1839. "AN ACT authorizing the Town Council of Newport to appoint an overseer of the poor, in certain cases," *A and R, January, 1839*, pp. 87-88.
1840. "AN ACT in addition to an act providing for the relief, support, employment and removal of the poor," *A and R, January, 1840*, p. 111. (Binding out of minors.)
1842. "AN ACT in amendment of 'An act providing for the relief, support, employment and removal of the poor,' " July 1, 1842, *A and R, June, 1842*, pp. 10-11. (Mayor of Providence given right to remove, bind out, fine or commit non-settled persons.)

1843. "AN ACT in amendment of 'An act to regulate the election of civil officers and for other purposes therein mentioned,' " *A and R, June, 1843*, p. 83, sec. 4.
1844. "AN ACT in relation to the election and duties of town officers," *PL* (revision of 1844), p. 302, sec. 5.
1844. "AN ACT ascertaining what shall constitute a legal settlement," *PL* (revision of 1844), pp. 340-41.
1844. "AN ACT providing for the relief, employment and removal of the poor," *PL* (revision of 1844), pp. 342-50.
1847. "AN ACT in addition to an act entitled 'An act providing for the relief, employment and removal of the poor,' " *A and R, June, 1847*, pp. 27-28. (Responsibility of railroads and steamship companies for destitute passengers.)
1848. "AN ACT in amendment to an act providing for the relief, employment and removal of the poor," *A and R, June, 1848*, pp. 11-12. (Binding out of minors.)
1851. "AN ACT to amend an act entitled 'An act providing for the relief, employment and removal of the poor,' " *A and R, January, 1851*, pp. 5-6. (Overseers bind out persons wasting earnings.)
1851. "AN ACT regulating the confinement and discipline of the poor," *A and R, January, 1851*, p. 22. (Regulating close confinement in dark rooms or dungeon, corporal punishment, and use of chain in asylum and house for the poor.)
1851. "AN ACT in addition to an act entitled 'An act providing relief, employment and removal of the poor,' " *A and R, June, 1851*, pp. 4-5. (Appointment of commission to investigate charges of inadequate care of the poor.)
1851. "AN ACT in amendment of an act entitled 'An act regulating the confinement and discipline of the poor,' " *A and R, June, 1851*, p. 50.
1854. "AN ACT in amendment of an act entitled 'An act providing for the relief, employment and removal of the poor,' " *A and R, June, 1854*, pp. 14-15. (City Council of Providence given degree of independence in deciding on method and extent of care of poor.)
1856. "AN ACT enabling the Providence Children's Friends Society to take, place out and bind out apprentices and servants," *A and R, January, 1856*, pp. 122-24.
1857. "Of the settlement and support of paupers and the prevention of pauperism"
- Title X, c. 49. Of the settlement of paupers
- c. 50. Of the support and discipline of paupers
- c. 51. Of keeping out and removing paupers
- c. 53. Of the maintenance of bastard children
- Revised Statutes, 1857*, pp. 134-50.
1858. "AN ACT in amendment of and in addition to an act to incorporate the city of Providence and the several acts in addition thereto and in amend-

- ment thereof," May 28, 1858, *A and R, May, 1858*, c. 286, pp. 1-5. (Election of overseers of the poor.)
1859. "AN ACT in relation to filling vacancies in the municipal offices in the city of Providence," *A and R, May, 1859*, c. 318, p. 4.
1860. "AN ACT in amendment of chapter 51, title X, of the revised statutes, 'Of keeping out and removing paupers,' " March 9, 1860, *A and R, January, 1860*, c. 346, p. 158. (Overseer of poor may appeal removal.)
1862. "AN ACT in amendment of title X, chapter 51, of the revised statutes, 'Of the keeping out and removing paupers,' " *A and R, January, 1862*, c. 395, p. 196. (Right to commit to state jail those disobeying removal orders.)
1862. "AN ACT in amendment to chapter 33, title VII, of the revised statutes, 'Of the elections and qualifications of town officers,' " *A and R, January, 1862*, c. 411, p. 203. (Town councils may elect overseers of poor.)
1864. "AN ACT to provide for the inspection of almshouses and asylums for the insane poor," March 23, 1864, *A and R, January, 1864*, c. 502, pp. 151-52.
1865. "AN ACT in amendment of title X, chapter 50, of the revised statutes, 'Of the support and discipline of paupers,' " March 17, 1865, *A and R, January, 1865*, c. 581, pp. 208-9. (Sec. 1, town responsible for its resident three days after notice of destitution from another town; sec. 2, burial of non-resident paupers.)
1867. "AN ACT in relation to appeals from town councils," March 12, 1867, *A and R, January, 1867*, c. 681, sec. 1, pp. 143-44.
1867. "AN ACT to enable the Bristol Home for destitute children to take, place out and bind out apprentices and servants," *A and R, May, 1867*, pp. 67-68.
1869. "AN ACT to establish a board of state charities and corrections," May 28, 1869, *A and R, May, 1869*, c. 814, pp. 1-6.
1869. "AN ACT making additional appropriations for the support of the government of the state for the year ending on the thirtieth day of April, 1870," May 22, 1869, *A and R, May, 1869*, c. 816, p. 7. (For state board.)
1870. "AN ACT in amendment of chapter 814 of the statutes entitled 'An act to establish a board of state charities and corrections,' " March 31, 1870, *A and R, January, 1870*, c. 868, secs. 1-2, pp. 139-40. (Removal of insane paupers from asylums, poor houses, lock up or bridewells.)
1872. "Of offences against chastity, morality and decency," *General Statutes* (1872), c. 232, sec. 24, p. 555. (Punishment of "sturdy beggars.")
1872. "Of the election and qualification of town officers," *General Statutes* (1872), Title VII, c. 34, pp. 93-95.
1872. "Of the settlement and support of paupers and the prevention of pauperism"
 Title XI, c. 64. Of the settlement of paupers
 c. 65. Of the support and discipline of paupers
 c. 66. Of keeping out and removing paupers
 c. 67. Of the maintenance of bastard children
General Statutes (1872), pp. 148-59.

1875. "AN ACT in amendment of chapter 155, title XX of the general statutes 'Of masters, apprentices, and of factory and other laborers,' " March 17, 1875, *A and R, January, 1875*, c. 450, pp. 174-75. (Children to be apprenticed to states of Massachusetts or Connecticut or any incorporated institution for the care of children in this or either of those states.)
1877. "AN ACT for the punishment of tramps," June 1, 1877, *A and R, May, 1877*, c. 646, pp. 10-12. (Beggars punished.)
1880. "AN ACT concerning tramps," April 9, 1880, *A and R, January, 1880*, c. 806, pp. 110-11. (Beggars punished.)
1882. "Of the settlement and support of paupers and the prevention of pauperism"
- Title XI, c. 70. Of the settlement of paupers
 c. 71. Of the support and discipline of paupers
 c. 72. Of keeping out and removing paupers
 c. 73. Of the maintenance of bastard children
- Public Statutes* (1882), pp. 182-95.
1882. "AN ACT in amendment of chapter 71 of the public statutes 'Of the support and discipline of paupers,' " March 10, 1882, *A and R, January, 1882*, c. 268, p. 146. (Children by adoption made responsible for support of parents.)
1882. "Offences against chastity, morality and decency," *Public Statutes* (1882), Title XXX, pp. 688-89. (Begging.)
1884. "AN ACT to establish a state home and school for children," April 29, 1884, *A and R, January, 1884*, c. 418, pp. 152-55.
1884. "AN ACT in amendment of chapter 75 of the public statutes, entitled 'Public provision for the indigent insane,' " May 2, 1884, *A and R, May, 1884*, c. 435, p. 186. (State assumes cost.)
1893. "AN ACT in amendment of certain portions of the public statutes and public laws for the purpose of conforming and harmonizing them in matters of procedure in courts," May 26, 1893, *A and R, May, 1893*, pp. 297-334; c. 1224, p. 302; c. 1, secs. 36-37. (Changes time limit and jurisdiction of appeals.)
1896. "Of the settlement and support of paupers and the prevention of pauperism"
- Title XI, c. 78. Of the settlement of paupers
 c. 79. Of the support and discipline of paupers
 c. 80. Of keeping out and removing paupers
 c. 81. Of the maintenance of bastard children
- General Laws* (1896), pp. 263-77.
1896. "Of actions, of pleadings and practice, and of procedure in courts," *General Laws* (1896), Title XXVI, c. 248, secs. 1-10, pp. 852-53.
1904. "AN ACT in amendment of section 8, chapter 291, as amended by chapter 477, passed May 19, 1897," March 4, 1904, *PL, January, 1904*, c. 1141, pp. 2-3. (Binding out of minors.)

1907. "AN ACT in amendment of and in addition to chapter 281 of general laws entitled 'Of offenses against chastity, morality and decency,'" April 10, 1907, *A and R, January, 1907*, c. 1447, p. 54.
1909. "Of the settlement and support of paupers and the prevention of pauperism," *General Laws* (1909), Title XII, c. 94, pp. 343-54.
1912. "AN ACT in amendment of and in addition to chapter 352 of the general laws entitled 'Of the state probation officer and his custody of females,'" March 7, 1912, *A and R, January, 1912*, c. 777, p. 46. (State relief to destitute family of man sentenced for non-support.)
1914. "AN ACT to authorize the board of state charities and correction to provide family care for certain inmates of the state institutions at Cranston" May 5, 1914, *A and R, January, 1914*, c. 1069, pp. 107-8.
1914. "AN ACT in amendment of sections 4, 5, and 6 of chapter 352 of the general laws, entitled 'Of the state probation officer and his custody of females,' as amended by chapter 777 of the public laws, passed at the January session, 1912," April 28, 1914, *A and R, January, 1914*, c. 1052, pp. 83-84. (State relief to families of persons committed to state institutions.)
1915. "AN ACT to provide for a deputy overseer of the poor and in addition to chapter 598 of the public laws, entitled 'An act to incorporate the city of Providence,' and the several acts in addition thereto and in amendment thereof passed at the January session, 1866," March 3, 1915, *A and R, January, 1915*, c. 1275, p. 275.
1917. "AN ACT to provide for the supervision, administration and control of penal and charitable institutions," March 28, 1917, *A and R, January, 1917*, c. 1470, pp. 11-40. (Board of State Charities and Corrections becomes Penal and Charitable Commission and title of State Almshouse changed to State Infirmary.)
1917. "AN ACT relative to the support of destitute parents," April 19, 1917, *A and R, January, 1917*, c. 1510, pp. 103-14.
1920. "AN ACT authorizing and empowering the financial town meeting of the town of Johnston to sell the town farm, so called," April 23, 1920, *A and R, January, 1920*, c. 1990, p. 368.
1920. "AN ACT authorizing the town council of the town of Lincoln to sell the town farm," February 25, 1920, *A and R, January, 1920*, c. 1991, pp. 368-69.
1922. "AN ACT authorizing and empowering the financial town meeting of the town of Foster to sell the town farm, so-called," March 24, 1922, *A and R, January, 1922*, c. 2272, p. 244.
1923. "AN ACT changing the name of the penal and charitable commission to the state public welfare commission," May 12, 1923, *A and R, January, 1923*, c. 2324, p. 55.
1923. "Of labor and industry," c. 91, "Of masters, apprentices and laborers," pp. 401-5, *General Laws* (1923), Title X, p. 377.

1923. "Of the settlement and support of paupers and the prevention of pauperism,"

Title XII, c. 104. Of the settlement of paupers
 c. 105. Of the support and discipline of paupers
 c. 106. Of keeping out and removing paupers
 c. 107. Of the maintenance of bastard children

General Laws (1923), pp. 496-510.

1925. "AN ACT changing the name of overseers of the poor to directors of public aid," April 27, 1925, *A and R, January, 1925*, c. 664, p. 176.
1926. "AN ACT in amendment of sections 1-7 inclusive of chapter 91 of the general laws, entitled 'Of masters, apprentices and laborers' in repeal of sections 8-21 inclusive of said chapter 91, in repeal of section 14 of chapter 105 of the general laws, entitled 'Of the support and discipline of paupers,' and in amendment of sections 5, 10, and 13, and in repeal of section 14 of chapter 412 of the general laws entitled 'Of the state reform school,' " April 26, 1926, *A and R, January, 1926*, c. 841, pp. 261-64.
1926. "AN ACT in amendment of sections 25 and 26 of chapter 105 of the general laws entitled 'Of the support and discipline of paupers,' " April 26, 1926, *A and R, January, 1926*, c. 842, p. 265.
1926. "AN ACT in amendment of chapter 107 of the general laws, entitled 'Of the maintenance of bastard children,' " *A and R, January, 1926*, c. 843, pp. 265-72. (Changes title to read "Of children born out of wedlock" as well as amending the act.)
1926. "AN ACT in amendment of and in addition to chapter 405 of the general laws, entitled 'Of the state probation officer and his custody of females,' and in amendment of this section 9 of Article 1 of chapter 413 of the general laws entitled 'Of the penal and charitable commission,' and repealing section 10 of said chapter 413 of the same is amended by chapter 639 of the public laws passed at the January session 1925," April 26, 1926, *A and R, January, 1926*, c. 861, pp. 317-22. (Duties of fiscal agent in relation to defectives and dependents.)
1929. "AN ACT in amendment of and in addition to section 1 of chapter 104 of the general laws, entitled 'Of the settlement of paupers,' " April 16, 1929, *A and R, January, 1929*, c. 1364, p. 207.
1930. "AN ACT in amendment of sections 6 and 7 of chapter 105 of the general laws, entitled 'Of the support and discipline of paupers,' " April 18, 1930, *A and R, January, 1930*, c. 1580, pp. 377-78. (Jurisdiction of cases re responsibility of relatives.)
1931. "AN ACT creating an unemployment relief commission and defining its powers and duties; authorizing the several cities and towns to borrow money for unemployment relief and issue notes therefor; providing for the distribution and administration of said relief and making appropria-

- tions to purchase said notes and for the expenses of said commission," November 24, 1931, *A and R, special November session, 1931*, c. 1855, pp. 3-12.
1932. "AN ACT in amendment of sections 24 and 39 of chapter 399 of the general laws, entitled 'Of offenses against chastity, morality and decency,' " April 14, 1932, *PL, January, 1932*, c. 1902, pp. 169-71.
1932. "AN ACT making available certain taxes to the various cities and towns to assist them in retiring their notes issued under the authority of chapter 1855 of the public laws passed at the special session November, 1931, entitled 'An act creating an unemployment relief commission and defining its powers and duties . . . , ' and other indebtedness incurred for poor relief and making an appropriation therefor, authorizing them to issue bonds to pay their notes issued under the authority of said chapter 1855, amending clause 1 of section 3 of said chapter 1855, adding clause 7 to section 3 of said chapter 1855 and amending the first item under the subheading 'Construction, reconstruction, and maintenance of highways and bridges,' under the heading 'State board of public roads' in section 2 of that act entitled 'An act making appropriations for the support of the state for the fiscal year ending June 30, 1933,' " April 15, 1932, *PL, January, 1932*, c. 1919, pp. 201-15.
1933. "AN ACT declaring an emergency due to unemployment and therefore making an appropriation for the relief and prevention of suffering due to unemployment and providing for its use . . . (The emergency unemployment relief act of 1933), February 15, 1933, *A and R, January, 1933*, c. 2011, pp. 1-27.
1933. "AN ACT in amendment of chapter 2011 of the public laws of 1933, the short title of which is 'The emergency unemployment relief act of 1933,' " April 7, 1933, *A and R, January, 1933*, c. 2015, pp. 87-94.
1933. "AN ACT providing for an emergency federal aid system of public works for the state and the municipalities thereof; creating an emergency public works commission and defining its duties and powers; providing for the borrowing of money for such public works; and making appropriations for the payment of certain interest on money so borrowed and for the expenses of such commission," June 29, 1933, *A and R, special June session, 1933*, c. 2078, pp. 1-15.
1933. "AN ACT in amendment of section 10 of chapter 2011 of the public laws of 1933 (The emergency unemployment relief act of 1933), *A and R, special June session, 1933*, c. 2081, pp. 18-20.
1934. "AN ACT extending the term of existence of the state unemployment relief commission created by chapter 2011 of the public laws, passed at the January 1933 session of the General Assembly and the short title of which is 'The emergency unemployment relief act of 1933,' authorizing it to occupy quarters in the former Supreme Court building and to use cer-

tain furniture; reappropriating for its use the unexpended balance of the unemployment relief fund created by said act; and making an appropriation for the expenses of the commission, *PL, January, 1934*, c. 2082.

1934. "AN ACT in amendment of clause 7 of section 1 of chapter 104 of the general laws, entitled 'Of the settlement of paupers,' as amended," May 3, 1934, *PL, 1934*, c. 2114, secs. 1-2, p. 170.
1935. "AN ACT to reorganize and consolidate into eleven state departments all existing state boards, bureaus, commissions and administrative agencies, defining their powers and duties and providing for the transfer of all powers and duties conferred by law upon existing administrative agencies of the state government to said eleven state departments," January 1, 1935, January session, 1935, c. 2188. (Substitutes a Department of Public Welfare for the State Public Welfare Commission.)
1935. "AN ACT to provide for the protection, welfare and assistance of aged persons in need and resident in the state of Rhode Island," April 18, 1935, January session, 1935, c. 2191.

APPENDIX II

LIST OF JUDICIAL DECISIONS UNDER THE POOR LAW

- Caswell v. Hazard, Town Treasurer*, 10 R.I. 490 (1873), p. 121.¹
Church, Overseer of the Poor v. Town of South Kingstown, 22 R.I. 381 (1901), p. 129.
East Greenwich v. Warwick, 4 R.I. 138 (1856), p. 142.
Exeter v. Richmond, 6 R.I. 149 (1859), p. 141.
Exeter v. Warwick, 1 R.I. 63 (1834), p. 139.
Exeter v. West Greenwich, 1 R.I. 70 (1834), p. 139.
Glocester v. Smithfield, 2 R.I. 30 (1851), pp. 140, 147.
Lincoln v. Ashworth, 90 Atlantic Reporter 545 (1914) (not in Rhode Island Reports), p. 239.
Overseers of the Poor of the Town of East Greenwich v. Henry Card, 1 R.I. 409 (1850), p. 117.
Paine, Overseer of the Poor of North Smithfield v. Town Council of Smithfield, 10 R.I. 446 (1873), p. 142.
Smith v. Angell et al., 14 R.I. 192 (1885), p. 136. (Not in relation to destitution but re settlement in relation to estate.)
Staples v. Walmsley, Town Treasurer of Lincoln, 27 R.I. 181 (1905), p. 239.
Tiverton v. Fall River, 7 R.I. 182 (1862), pp. 143, 148.
West Greenwich v. Warwick, 4 R.I. 136 (1856), p. 140.
(Case referred to judges for opinion as to effect of settlement of parents on right to care of child beneficiaries in state institutions; no names given), 4 R.I. 587 (1857), p. 144.

¹ These page numbers refer to the page references in the text.

APPENDIX III

SELECT DOCUMENTS RELATING TO THE HISTORY OF POOR RELIEF IN THE COLONIAL PERIOD AND THE LATE EIGHTEENTH CENTURY

1. EARLY TREASURER'S REPORT, 1716¹

Wee Richard Browne & Richard Waterma being att a Quarter meeting held att Providence Oct^r y^e 27th anno Dom 1716

Chosen a Committee to Inspect Jnto the Towne debts and make Report to y^e Towns Quarter meeting Jn January—17 ^{$\frac{16}{17}$}

Where vpon wee haue drawn the following account

The Towne of Providence dt^r To seuoral Persons as they haue Charged in there seuoral accounts: to y^e Releife of Samuel Meeds

	£	s.	d.
To Resolved Waterman	07	09	04
To Richard Clemance for: 17: weekes board att 4 ^s p ^r weeke	03	08	00
To Doct ^r John Jenckes for y ^e Cure of his Greate too	00	15	00
To Richard Browne for his Entertainment Jn the time of his Lameness	00	06	06
To William Edmunds for keeping of Samuel meeds	04	14	06
Allowed To Joshua winsor	} 00	04	00
To serueing two warrants in warning Persons out of Towne			
To Henry Mawrey for seruiss don in moueing straingers and sum of our own Poore				} 00	16	00

An Account deliured by m^r James Dexter one of the ouer seers of the Poore

		£	s.	d.
due	To John King weauor for Keepeing Mary Aldrich two years & 2 months	} 20	12	06
due	To William Lawrance for Keeping Mary Aldrich one yeare			
due	To Edward Hawkings|for|Keeping Sarah Aldrich one yeare wee allow	} 03	00	00
due	To m ^r James Dexter for going to James Thorntons to view his famoly To time|y ^t s ^d dexter|Expended about Hannah jarrott			
due	To John Angel: weauer for serueing in the Place of Town sarjant: in y ^e yeare 1713	} 04 00 00		
due	To Joseph Angel next June for three years seruing Towne sarjant	12	00	00

¹ *Recs. Providence*, XVII, 290.

money due to Killing wolues

	£	s.	d.
due To Daniel Angel and Company	} 03	00	00
To: 3 wolues			
To Zachariah Eddy for one wolfs head	01	00	00
To John Brown son of John Browne	01	00	00

Charges in Laying o[] highways

Jn Laying out the |high| way to y^e narrow passage

To Major Thomas ffenner	00	06	00
To Richard Waterman Jun ^r	00	03	00

An account brought by Cap^t William Crawford Jn behalf of him self and Jury Jmplied in saruis | a | Laying a high way from y^e Greate Pond to y^e greate meadow hallow.

	£	s.	d.
first To him self for his 2 days attendance Jn s ^d aruis	00	[]	00
To y ^e Jury: 10: men: [] days Each: 3 ^s P ^r day	03	00	00
To: 7: men: 1: [] day Each 3 ^s P ^r day	{ 01	01	[]
		01	00
due to Richard Waterman Jun ^r Clerke To Giueing or granting a warrant	{ 00	02	00
Jn behalf of the Councill: & Also Recording the Returns of s ^d highway			
To sarjant Joseph Angel for summoning the Jury and Attendance: 3: days in s ^d saruis	{ 00	12	00
Allowed to Daniel Abbott for Labour don vpon y ^e high way in Plainffield Road	{ 01	08	0
Allowed To Richard Waterman Towne Clerke for two Books he bought for y ^e Towns vse	{ 00	17	0
Viz one for y ^e Towne Councill and one To Enter Marriages and Childrens Births in			
To Benjamin Whipple for keeping Samuel Meeds, his horse thirteen weeks, in the winter of the year 1715 or 16.	{ 00	13	00
To our one Charge in our seruis|don|Jn: Jnspecting into the Towns debbts	{ 00	1[]	00

Richard Browne

Richard W []erman

Major Thomas ffenner Charges: Jn behalf of himself and Jury for serius don in Laying a highway from Prouidence toward Plainffield by order of a Town Councill held att Prouidence y^e 17th of August 1706

	£	s.	d.
viz: To: 12: men 3|2| days at 3 ^s P ^r day	03	1[]	00
To him self: 3: days att: 5 ^s : P ^r day	00	15	00
Cap ^t Thomas Harris Charges: 12 ^s : for his saruis don with Major Hopkins and Cap ^t Olney in Laying a highway toward Plainffield: 3: days	{ 00	12	00

2. EARLY TREASURER'S REPORT, 1720^a

Att a meeteing of the Committee Chosen to make vp the accounts with the Town Treasurer and also to audet the Townes debts this 23^d day of may Anno Dom: 1720: And to Jnspect into such accounts as shall be brought before them: And there vpon to allow of such accounts as to them shall seeme Legal: and draw a List of the same to be a Rule for the Treasurer to pay out the money by—

		£	s.	d.
deputies Bills	{ Wee haue thought fitt to Raise Sixteene pounds to pay y ^e deputies	16	00	00
Charges upon Mary Marsh	{ due to William Turpin To Cloatheing for Mary March And theire will be due for her keepeing ye 14 th day of June next the sum of the wich sum m ^r Turpin saith he is Jngaged for	01	19	03
Mary Marshis account Continued	{ due to m ^r James Dexter for her keepeing and attendance Jn the Time of sickness 7 monthes by Paid to John Arnold by paid to doctor Jenckes	10	00	00
Charges upon Mary Aldrich	{ due to William Lawrance for keepeing of Mary Aldrich two yeares Come the 9 th day of December next	18	00	
due to Robert Currey	{ Wages To Goeing with a warrant to Wi ^{ll} m Blancher	04	00	
Charges vpon John Daley	{ due To John Rhoades for keepeing of John Dalie one yeare Come y ^e Last of October next	12	00	
due for Sarjants wages	{ To m ^r William Turpin for Sarjants wages	04	00	
for other things	{ To 4 yards of osenbrigs for the Cripple att Nathaniel Brownes To warning the Jury and attendance in the Layeing out the highway by John Wilkinsons	00	08	00
Charges upon Richard Collins upon []	{ due To Doctor John Jenckes for the care of Richard Collings when he is well for Phissick To Bettee Saturn in the time of sickness Jn february: 1719: 20	04	10	[]
further charges vpon Richard Collings	{ Due to Elnathan Browne for Keepeing Richard Collings 7 weekes already att 7 ^s P ^r weeke And wee suppose 2 weekes more washing	02	09	00
allowed to Charles Tillinghast	{ due To the Constable Charles Tillinghast for his Charges Jn Keepeing and Carrying Susannah Harue out of our Towne for himself and aid	00	08	00

^a *Ibid.*, XIII, 43.

		£	s.	d.
Allowed to Daniel Abbott	due to Daniel Abbott for Paying 2 Rates for William Screech	00	03	04
	&: 2: Rates for Sam vmpotoun Indian	00	02	06
We think fitt to Raise for Squerrils heads	To y ^e defraying the Charge of Squerrils heads	16	00	00
for bringing Collings to Towne	There is due to Cap ^t Thomas Angel M ^r William Hopkins and M ^r Samuell Bates and those they Jmplied to bring Richard Collings to Towne	00	16	00
[]rges high[]ays	Wee think fitt to Raise for the defraying the Charge of the highway through Hosannah Brownes Land and the highway att or neere James Mathewsons Land	03	18	00
[] a Record []ooke	due to Richard Waterman Jun ^r for a Record Booke	00	14	00
	due to John Rhoades for keepeing John Dalie formerly	03	12	00
	Allowed to Samuella Wilkinson Jun ^r the sum of 13 ^s -4 ^d	00	13	04
	for seruiss done			

The aboue accounts are voated and allowed att a Towne meeteing y^e 30th day of may: 1720—

Where vpon it is voated and ordered to Raise 150[£]-00^s-00^d

3. AN ACT TO REDRESS THE MISIMPLOYMENT OF LANDS, GOODS, AND STOCKS OF MONEY HERETOFORE GIVEN TO CERTAIN CHARITABLE USES, 1721³

FORASMUCH as certain Lands, Tenaments and Hereditraments, and the Profits of the same, and also Stocks of Money, Chattels, and the profits thereof, have heretofore been given, limited, appointed and assigned by several well disposed Persons, to and for the Relief of the Poor, and bringing up of Children to Learning; which Lands, Tenaments, Hereditraments, Rents and Profits of the same, and also Goods, Chattels, and Stocks of Money, and the Profits thereof, nevertheless have not been employed according to the charitable Intent of the givers and founders thereof, by Reason of Frauds, Breaches of Trust, and Negligence in those that should Pay, Deliver, and Improve the same for the Uses design'd.

For Redress and Remedy whereof,

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same it is Enacted. That it shall and may be Lawful to and for each respective Town Council within this Colony, as need shall Require, within their

³ Made and past by the General Assembly of His Majesty's Colony of Rhode Island and Providence Plantations, held at Warwick the last Wednesday of October, 1721, *Acts and Laws* (Newport, 1730), pp. 122-24.

respective Jurisdictions, to enquire, as well by the Oaths of Twelve Lawful Men, or more, of such Town, as by all other good and Lawful ways and means, of all and singular such Gifts, Limitations, Assignments and Appointments aforesaid; and of the abuses and breaches of Trust, Negligence, Misemployments, not Employing, Concealing, Defrauding and Misconverting, or Misgovernment of any Lands, Tenaments, Hereditaments, Rents, Profits, Goods, Chattels and Stocks of Money, and the Profits thereof, heretofore Given, Limited, Appointed, or Assigned, or which hereafter shall be Given, Limited, Appointed, or Assigned, to and for any of the Charitable and Godly Uses aforesaid, Yearly, or as often as to them shall appear requisite and needful.

AND, after the Town Council, (upon calling the Parties intrusted and with any such Lands, Tenaments, Hereditaments, and the Rents and Profits thereof, or with any such Goods, Chattels, or Stocks of Money) shall make Enquiry by the Oaths of Twelve good and lawful Men of the said Township (where unto the said Parties intrusted shall and may have and take their lawful Challenge or Challenges) they are hereby Impowered, upon such Enquiry, Hearing and Examination thereof, to set down, such Orders, Judgments, and Decrees, that the said Lands, Tenaments, Hereditaments, Rents, Goods, Chattels, Stocks of Money, and the Profits thereof, may be duly and faithfully employed, to and for the Charitable Uses and Intent of the Donors and Founders thereof: Which Orders, Judgments, and Decrees, not being contrary or repugnant to the Orders, Statutes and Decrees of the Donors or Founders, shall by the Authority of this present Assembly, stand firm and good, according to the Tenor and Purport thereof; And shall be Executed by the Sheriff of this Colony, for the time being accordingly, until the same be altered or undone by the Governour and the General Council of this Colony for the time being, upon Complaint by any Party agrieved made unto them.

AND it is further Enacted by the Authority aforesaid, That upon the finding any such breach of Trust, Negligence, Misemployment, Mismanagement, or Under-renting any such Lands, Tenaments, Hereditaments, Rents, Profits, Goods, Chattels, or Stocks of Money, Judgments and Executions shall be given forth by the said Town Council, against the Misemployers, Mismanagers and Misimprovers of the same; And the same shall be Levied out of their Estates: And for want of sufficient Estate of theirs to be found, to satisfy and pay the same, they shall be committed to His Majesty's Goal, until the same be satisfied and paid, and a just Distribution thereof be made, according to the true Intent and Meaning of the Donors or Founders.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, to and for any Person or Persons agrieved at any Sentence, Order, Judgment or Decree of any Town Council, in any of the Cases aforesaid, to Appeal from such Sentence, Order, Judgment, or Decree, unto the Governour

and Council of this Colony for the time being, as in other Cases is usually allowed; who are hereby impowered to Alter, Mitigate, Reverse, or Confirm such Sentence, Order, or Judgment of such Town Council, and to give a new and final Judgment and Determination in said Case, as they shall think fit and agreeable to Equity and good Conscience, according to the true Intent and Meaning of the Donors or Founders thereof; and shall tax and award good Costs of Suit, by their Directions, against such Persons as they shall find to Complain unto them, without sufficient cause, of the Orders, Judgments and Decrees aforementioned.

PROVIDED always, That the Party or Parties desiring an Appeal from such Town Council, to the Governour and General Council of this Colony, do the same Day such Order, Sentence, Judgment or Decree is given, request that such his or their Desire be entred in the Records of said Court, and within ten Days after Judgment give sufficient Bond, to the Clerk of said Council for the time being, with sufficient Sureties to prosecute his, her or their Appeal with Effect, and to stand and abide such Final Judgment as shall afterwards be given in said Cause; or otherwise such Person or Persons shall loose his, her, or their Advantage of Appeal as aforesaid.

AND in the meantime, such Sentence, Order, Judgment or Decree of such Town Council shall be suspended, and Execution stopped thereupon: Anything in this Act before contained to the contrary hereof in any wise notwithstanding.

4. PETITION TO GENERAL ASSEMBLY FOR FINANCIAL AID BECAUSE OF SMALLPOX, 1739⁴

To the Hon^{able} General Assembly now convened at South Kingstown in Kings County in the Colony of Rhode Island & the 31st Day of October, AD 1739.

Whereas by the Providential Hand of God the Small Pox hath been Prevalent in some families in the Town of Portsmouth in the Colony afores[d] which created a great Charge,

We the subscribers your Petitioners members of the Town Council Intreat you to take the premises into your Judicious Considerations and grant that we may draw the sum of one hundred pounds out of the Gen^l Treasury in order to defray the Charges thereof which will engage your Petitioners to be thankful.

Preserved Fish
Abraham Anthony
Jacob Mott
Stephen Brayton

[Fifty pounds was allowed]

⁴ MS (bound), Petitions to Rhode Island General Assembly, 1739-42 (Archives State House, Providence), Vol. 4, p. 15.

5. PETITION TO GENERAL ASSEMBLY FOR PERMISSION TO HOLD A LOTTERY FOR A
POOR DEBTOR, 1748⁵

To the Hon'ble the general Assembly of his Majesty's Colony of Rhode Island &etc to be held at Providence within and for the Colony aforesaid, on the last Wednesday of October AD 1748.

We the subscribers being sensible of the difficult circumstances of Joseph Fox who has been in Newport Prison above a year and a half upon a Judgement obtained at the Suit of Mess^{rs} Hordman Ogden and Comp^a Merchants in Liverpool in Great Britain for about the Sum of Three Thousand pounds,—a Debt truly anothers and not his own—Beg leave to Represent in his behalf to this Hon'ble Assembly that as he is well known to many of us, we are assured that it is impossible he should ever be able to raise that sum so that in all likelihood he must remain in Prison during his Life and his Wife and children suffer unless relieved by the Charitable Desposition of the publick. private Charities being too small ever to raise that sum, and all he can get by his pen (his only way of getting a penny being hardly enough for to provide for his Wife and Children) is not or can be any foundation to build hopes of relief on, Therefore we are willing and doubt not most Men who know or have heard of his hard Measure, are well inclined to contribute to his discharge, provided a fit way could be found out to raise a Sum sufficient for that purpose which has by some of us been thought on, And therefore pray this Hon'ble Assembly to grant Liberty for a Charitable Lottery to be set on foot in Newport for that end according to a Scheme to be offered herewith for you Hon^{rs} Approbation (or any better or other Schemes this Assembly shall determine) under the directions of certain Gentlemen to be by your Hon^{rs} chosen for the Management of it, And as this is a Method heretofore used by other Governments on the like Occasion to-wit, that of Charity to a Distressed person and his whole Family,—We doubt not of your Hon^{rs} allowance of—and as in Duty bound will ever pray etc.

[Signed by 112 names]

6. ARGUMENTS USED IN PETITION TO GENERAL ASSEMBLY
FOR PERMISSION TO HOLD A LOTTERY TO BUILD
A WORKHOUSE IN KENT COUNTY, 1762⁶

Colony of Rhode Island to wit

To the honble the General Assembly siting at East Greenwich on & for said Colony upon the Last Monday in Febr AD 1762.

⁵ *Ibid.*, 1748–50, Vol. 7, p. 33. The foregoing petition, requesting permission to conduct a “charitable Lottery” for a “distressed person” and his whole family, provides an interesting comment on the treatment of debtors and the inadequacies of “private charities” even in the eighteenth century.

⁶ *Ibid.*, 1762–65, Vol. 11, p. 113.

"The Petition of the Inhabitants of the County of Kent, humbly Beg leave to shew that there is Many persons in said County who have legally Gained Settlement in the several Towns in said County & Under a false pretense of Being incapable of supporting themselves have put themselves Upon the Several Towns af^d for Support. Whereby the Towns af^d are Burthened with heavy Unnecessary Costs when the Same may be prevented without prejudice for many of those persons are Certainly in Capacities to Earn Considerable part of their Support in Case they were Modestly Restricted To such Reasonable Service as they are Capable to perform & which also w^d be condusive to Health."

7. ORDER OF REMOVAL AND WARRANT, 1765⁷

King County—To the Town Sargeant or any or either of the Constables for the Town of Exeter in the County of King's County &c Greeting Whereas it appears to us John Raynold Jr. Stephen Richmon Daniel Barber John Gardner John Chapman and John Champlin the present Town Council for said Exeter on the Complamt of Stephen Richmon one of the overseers of the poor of said Town that one Elisha Inman Being last legally settled in the Town of Gloucester in the County of Providence etc is Now come into the Town of Exeter aforesaid, to endeavour to obtain a Settlement in the Said Town of Exeter with his wife and Children Not haveing Don any act as the Law Requires to make him with his said wife and Children Proper Inhabitation of Exeter aforesaid there Whereby he the said Elisha Inman together with his wife and Children by his the said Elisha Inman[s] bad conduct and Ill Behaviour is Likely to become Chargable to the Town of Exeter aforesaid, And Whereas it appears by the oath of that said Elisha Inman That he the said Elisha Inman was born in the Town of Gloucester in the County of Providence &c and that also his Last Legal Place of Settlement was in said Gloucester and that he hath not Gained No Legal Place of Settlement Since he Lived in the Town of Gloucester aforesaid which we the Town Council as abovesaid Do Adjudg Accordingly and that the Town of Gloucester aforesaid is the Last Legal Settlement of the said Elisha Inman. Now we the aforesaid Town Council do hereby in his Majestie's Name George the third King of Great Britain & do Command you the abovesaid officer that you forth with upon Sight and Receipt hereof Remove and Convey the said Elisha Inman his wife and Children from the Town of Exeter aforesaid unto the said Town of Gloucester the place of his Birth and last Legal Settlement and there Deliver him together with his wife and Children together with a coppey of this process to the overseer of poor they or sum one of them hereby also Require you the said Overseers of the poor of the Town of Gloucester aforesaid to Receive the said Elisha Inman with his wife and Children as their proper Inhabitants and to provide for them accordingly he[re] of fail not But true Return make To the Town Council aforesaid forthwith after service how you Serve the

⁷ MS (unindexed and unbound), Exeter Papers (Rhode Island Historical Society, Providence, R.I.).

Same with Your Doing, thereon Given under my hand and the office Seal of the Town Council aforesaid this Twenty fourth Day of February in the fifth year of his Majesties Reign A.D. 1765.

By order of Council

George Peine
County Clk.

[Reverse side]

WARRANT

You the Within Named officer are also herby Required to take Sufficient Aid for the Removing of the within named Elisha Inman his wife and children To the Town of Gloucester as within mentioned

By order of Council

George Peine County Clk.

WARRANT TO REMOVE ELISHA INMAN TO GLOUCESTER

Kings County

february the 26th Day AD 1765

then Delivered Coppey of this within order together with Elisher Inman his wife and Children to one of the overseers of the poor of the town of Glocester

Benjamin Pattertown
Sergeant

to my Time and Expenses £1-5-6

8. PETITION, CITATION, AND DEPOSITION IN A CASE OF REMOVAL APPEALED BY CUMBERLAND, 1768⁸

To the honorable the General assembly of the Colony of Rhode Island to be holden at Newport by adjournment in and for the Colony of Rhode Island on the Second Monday of September AD 1768.

The Petition of Abial Brown & John Bishop Overseers of the poor in Behalf of the Town of Cumberland humbly Sheweth, That there was some years past one Abigal Peters, born in Cumberland, who was put out at the Age of six years as a Servant Maid to Mr. John Wilkinson of Smithfield where she lived till the twentieth year of her Age when she married one Stephen Nichols of that place who when an Infant came from Salem in the Province of the Massachusetts Bay with his Mother to Smithfield where she married one Samuel Aldrich of that Town who afterwards bound out the said Stephen Nichols at the age of fourteen years as an Apprentice to Mr. Amos Arnold then of Smithfield with whom the said Nichols Served his Time till within a few Months of the Expiration of his Apprenticeship when he inlisted into his Majesty's service went into the army as one of the Soldiers of said Town of Smithfield returned again and lived in Smithfield one Year where he was then Married to the said Abigal by Daniel Morey Esq. of that Town after his inter-marriage with the said Abigal They

⁸ MS (bound), Petitions to the Rhode Island General Assembly, 1768-70 (Archives, State House, Providence), Vol. 13, p. 68.

lived in Smithfield the Space of one Year from thence they removed to a House in Cumberland where they lived almost a Year but never Made any Application or gave any due notice to the Town Council of their Coming into said Town as the Law Requires, from Cumberland they Removed again into Smithfield where they lived Several Years until the said Nichols Died After the Death of the said Nichols the said Abigal his Widow kept House in Smithfield some Months from thence she Removed to Swansey in the Province of the Massachusetts Bay where she live peaceably & quietly without being warned to depart the said Town for the space of eighteen Months whereby she became an Inhabitant of said Town & intituled to all the Priviledges of an Inhabitant thereof as the Laws of the Province in that Case made & provided do fully Declare. But the said Abigal by Reason of some Misfortune being there likely to become Chargeable to the said Town of Swansey & they willing to disburden themselves of Charge on the Twelfth day of December AD 1767 made an order upon the Town Council of Smithfield whereby they removed her as a poor person & likely to become chargeable to the said Town of Swansey in Consequence of this order so made the Town Council of Smithfield thought fit, for Reasons only known to themselves not to appeal from the order made upon them from Swansey but very incautiously made a second order upon the Town Council of Cumberland, they upon due Examination of the matter ordered us the present overseers of the Poor in behalf of the said Town to Appeal from their order to the next general sessions of the Peace to be holden at Providence in & for the County of Providence on the Third Monday of June AD 1768 which was accordingly done Whereupon the Cause Came to a Hearing at the said General Sessions of the peace but your Petitioners not being furnished with the first order made upon the Town of Smithfield Whereby they Might prove that the said Abigal was removed as a poor person & likely to become Chargeable to the Town of Swansey came to Trial under very Great Disadvantages as our opponents proceeded wholly upon the Laws of Vagrancy. But since the said Trial your Petitioners have procured the original order and also such further Evidence as will be incontestable & put the matter in Debate past all reasonable Doubt in the minds of honest and Disinterested Men Upon the Trial the Court gave their Judgement upon the principle of Vagrancy but the Court said it was clear on our part if we had the original order & it should appear thereby that she was removed as a poor person & likely to become Chargeable which said original order your Petitioners have now procured wherein it appears that she was not Removed as a Vagrant Wandering Person as was then Suggested to the Court and your Petitioners have also the Evidence of some of the Justices of said Court wherein they Declare that they Should have reversed the order of Smithfield if they had seen this said original order on the Trial. Upon the whole your Petitioners humbly pray that as there are evident Reasons & good grounds for their said prayer that they may have the Benefit of other & Further Hearing of said Cause at the next general sessions of the Peace to be holden at Providence in and for the County of Providence on the Third Monday of December A.D. 1768 if your Honors in your Superior Wis-

dom Shall see Meet to grant us this Favour, & that in the Meantime the Execution of said Judgment obtained against us at the said general sessions of the Peace may be stayd and Your Petitioners as in Duty bound will ever pray

Abiel Brown

John Bishop

[*On back of petition*]

Petition of overseers of Poor of Cumberland

Filed Aug. 12 1768

Bond given, Cit^a issued

Sep 7th 1768 H. Ward Secy

Referred to next Sept.

Colony of Rhode Island etc.

To the Sheriff of the County of Providence

to his lawful Deputy Greeting

You are hereby in the Kings Name required to serve the Overseers of the Poor of the Town of Smithfield in said County with a Copy of the foregoing Petition and cite them to appear at the General Assembly to be holden at Newport in & for the said Colony on the Second Monday in September next then & there to answer the same. Thereof fail not but make true Return of your Conduct in the Premises Given under my Hand this Twenty ninth Day of August 1768 and in the Eighth Year of His Majestys Reign

Henry Ward Secy.

[*On outside*]

Providence etc. Sept. 2, 1768

I served Messrs. Ezekiel Comstock, Samuel Winsor & Stephen Whipple, Overseers of the Poor of the Town of Smithfield with a Copy hereof and Cited them to appear as within directed to answer the same by Virtue of this precept.

Sheriff Fees.

Paul Tew Shff.

Travel £—15.4

Copy & Serving — 2.8

£—18

[*Also on outside*]

9/6 Petition of the Overseers of the Poor of Cumberland

Copy cit £0.1.8

Served.

In the Lower House March 4, 1769

Resolved that this Petition be granted

Voted & passed to the Upper House for Concurrence by orders

Wm. Ellery Clk.

In the Upper House

Read the same Day and Concurred

By order of Henry Ward, Secy.

Deposition accompanying the petition

David Wilkinson of Providence in the County of Providence
being Interrogated made answer as follows.

Question. In the cause pending at the last general session of the Peace held at Providence between the Towns of Cumberland & Smithfield, did you give your Judgement on the Principles or Laws of Vagrancy?

Answer. As there was no Copy of the order upon which the person was Removed from Swansea and as Two Depositions were produced to prove that She was Removed as a Vagrant I gave my judgement upon the Laws of Vagrancy.

Question. If the original order from Swansea made upon Smithfield had been produced at the trial & it had appeared thereby that the said woman was removed as a poor Person & likely to become chargeable to the said Town of Swansea should you have given your judgement as you did on the Trial?

Answer. I believe not.

Question. If the evidence produced from Swansea had appeared to have been against the Face of the said original order on the Trial should you not have reversed the order of Smithfield made upon Cumberland.

Answer. As there were many other Circumstances attending said Case, I cannot tell whether I should have given my judgement for Reversing said order of Smithfield or not.

Question Do you know that if the Order from Swansea had been produced that
by E. you should have given your judgement otherways than you did?

Comstock

Answer. I cannot tell.

[Signed] David Wilkinson

Providence etc. In Providence September 8th, 1876. The above named David Wilkinson Esq. made solemn oath to the Truth of the above Answers to the several Questions by him Subscribed, and Ezekial Comstock one of the overseers of the Poor for the Town of Smithfield was present at the same Time before me.

[On the back is the following notation:]

David Wilkinson

Deposition taken at the Request of the Overseers of the poor of Cumberland
Cost 1/-

9. SCHEME THAT ACCOMPANIED PETITION FOR LOTTERY
GRANTED TO NORTH KINGSTOWN TO BUILD
WORKHOUSE, 1769⁹

No. of prizes	Dollars		Dollars
1 of.....	100	is.....	100
2 of.....	50	is.....	100
3 of.....	30	is.....	90
4 of.....	25	is.....	100
5 of.....	20	is.....	100
6 of.....	15	is.....	90
7 of.....	10	is.....	70
16 of.....	5	is.....	80
40 of.....	4	is.....	160
60 of.....	2	is.....	120
2590 of.....	1	is.....	2590
prizes 2734			3600 Dollars
blanks 1266		for the house	400
4000 tickets at Dollar each is			4000 Dollars

10. ORDER OF REMOVAL, 1790¹⁰

Washington SS } to Isaac Willcox Town Sergeant
For the Town of Exeter in sd County Greeting

Whereas the Town Council of Exeter in the County of Washington & State of Rhodisland Providence Plantations hath Creadible Information and Complaint By one of the overseers of the Poor of sd town that one Stephen Draper & Anna Draper Booth [both] of South Kingston in the County above sd single man & woman abideth in this Town Not Being Inhabitants & is Likely soon to Become Chargeable to this Town unless they Be Speedily Removed & upon the best information this Council can git they the aforesd Town Council do adjudge that the Town of South Kingstown in the abovesd County to Be the Proper place of settlement & Residence of them the sd Stephen & Anna & their Bad Conduct & Ill Behaviour is Likely soon to Become Chargeable to sd Town unless they be speedily Removed & therefore Voted that [that] the Clarke of this Council should Grant a Warrant of Removal to Remove the sd Stephen & Anna to the Town of South Kingstown aforesaid.

These are therefore in the Name of the Governor & Company of the State of Rhode Island & Providence Plantations to Require You the above officer Upon

⁹ MS (bound), Petitions to Rhode Island General Assembly, 1769-70 (Archives State Library, Providence, R.I.), Vol. 13 (September, 1769), p. 111.

¹⁰ MS (unindexed and unbound), Exeter Papers (Rhode Island Historical Society, Providence, R.I.).

Sight Thereof to Take the aforesaid Stephen & Anna into Your Custody & them forthwith safely Deliver to one of the overseers of the poor in sd Town of South Kingstown who are hereby Required to Receive & Provide for them according to Law & You are Likewise to Leave a Copy of this order with sd overseers Thereof fail not But make true Return of this process with your doing hereon as You answer to the Contrary Given under my hand & Seal By order & in behalf of said Town Council this 1 day of October A.D. 1790

Stephen Reynolds C. Clke

[on reverse side]

Washington SS October 25th Day AD 1790

Then took into my custody Stephen Draper & Anna Draper and carried them and delivered them to Daniel Therman one of the overseers of the poor for the town of South Kings [town] and Left a Coppey with him

Isaac Willcox Town Sargeant

11. SELECTED ITEMS FROM LIST OF ORDERS DRAWN ON SCITUATE TOWN TREASURER, 1796-98¹¹

March 14		DOLLARS
do	To Susannah Fenner for looking after Leroy Fenner's wife from	} 17.00
all'd	17th of July 1795 to 12 Feb. 1796	
	To Sarah Matthewson for service done Molly Collins	.75
	To Abm. Wood for nursing Molly Collins thro her lying in with a	} 8.00
	Bastard Child born 9th December 1795	
	To Palmer Yanner for keeping Deborah Young 19 Days	4.00
	To D ^o for himself & team to move Lydia Franklin	1.50
	To Josiah Batty for keeping Mary Brown from 29th Dec. 1795 to	} 5.44
	this day	
	To D ^o for keeping Waite Brown 26th Nov. 1795 to this Day	15.16
	To Dr. Jere ^h Cole for Doctoring sundry poor of this town	4.65
	To Prudence Angell for Cloathing & for Patience Horton to this	} 5.29
	time	
	To D ^o for keeping sd Patience Horton from 25th Dec. 1794 to	} 29.00
	17th July 1795	
	To D ^o from 17th July 1795 to 26th Sep. Following	13.33
	To D ^o for keeping d ^o from 26th September 1795 to 30th Decem-	} 20.00
	ber following	
	To Sam Wilbur for coat & pr shoes for Uriah Salisbury	4.75
	To Jos. Knight for col. taxes	1.00

¹¹ "Record of Bills Paid" in Old Statute Book (MS), 1796-98 (Town Clerk's Office Scituate, R.I.), pp. 28-37.

		DOLLARS
Apr. 25	To d ^o for d ^o	.50
	To Sam Wilbur for d ^o	1.00
	To Joseph Knight for collecting part of a tax	8.47.7
	To Josiah Balty for keeping Mary Brown from 14th March last to this Day }	3.00
	To d ^o for keeping Wait Brown from 14th March to this time	6.00
	To Wm Irons for keeping Huldah Franklin & Clothing etc. to 15th of March last }	7.14
	To John Ralph for keeping d ^o from 15th March to 9th of Apr. Inst }	2.56
	To Sam Wilbur for collecting State tax ordered in June 1793	11.31
	To John Hill for keeping & clothing Uriah Salisbury from the 1st Apr 1795 to April 1st 1796 }	17.99
April 25	To Israel Smith for keeping Phebe Wood from 30th of July }	12.62
Counc'l all'd	4 weeks thro her lying in & clothing her child	
	To Levi Seamen for collecting part of the last state Tax	5.77
May 21	To Levi Seaman for Chs Watermans tax & committing him to jael for the same }	1.8
Council All'd	To Lydia Davis for keeping her Bastard Child from 11th of April 1795 to 11th Apr 1796 }	21.67
June 11	To Chr Smith for warning Jurors for the year past	1.25
Council All'd	To d ^o for his time & expense in keeping Elisha King in Custody 5 days and going to Providence to get a voyage for him }	5.00
	To d ^o for his time & expense in going to Plainsfield twice to apprehend John Wilbur in a case of Bastardy }	4.00
	To Christopher Smith for attending Town Council as T. Secy for the year past }	5.00
Sept 10th	To Lucy Remington for supporting her Bastard Child from 25th Aug 1795 to 29th May 1796 being 39 weeks & 4 days at 2/4½ pr week }	15.66
Town all'd		
Oct. 3d	To Susannah Fenner for taking care of Lowry Fenner's wife & family from 12th day Feb last to this Day at 3/ pr wk }	16.72
Council all'd		
	To Eph ^m Williams for House Rent & fire wood for Lydia Franklin from 21st May 1795 to 7th Feb 1796 }	8.50
	To Josiah Battey for keeping Wait Brown from the 25th April to 27th Aug 1796 }	17.75
	To d ^o for keeping Mary Brown from the 25th of Apr to 13th of June }	3.50

		DOLLARS
	To d ^o for keeping Mary Brown from the 27th Aug to this day	2.66
	To d ^o for keeping Mary Brown from the 13th June last to 27th of Aug last	5.32
	To d ^o for keeping Waite Brown from 27th of Aug. last to this Day	5.32
	To d ^o for 7 yds of Toe Cloth furnished for Waite Brown	2.32.6
Nov. 28		
Council	To Nehemiah Potter for warning Town, 18th July	1.50
alld		
	To Cunnold Potter for keeping old Mary collins from 19th of Aug to 25th Nov Inst	12.17
	To Jonathan Knight for keeping Waite Brown from the 3rd of March to 29th of May following being in the year 1795 and for moving her to Josiah Batteys & for my trouble in agreeing with him to keep her etc	17.45
Jan. 30, 1797	To Squire Franklin for coffin for widow Mary Collins	2.50
Feb. 5 1798	To Samuel Wright for moving Mary Collins from Cunnold Potters & keeping her from 17th of Decem ^{ber} 1795 to 24th of the same month & for digging a grave & other Funeral charges	5.00

12. AN ACT FOR THE BETTER ORDERING OF THE POLICE OF THE TOWN OF PROVIDENCE, AND OF THE WORK-HOUSE IN SAID TOWN, 1796-98¹²

SECTION 1. *Be it enacted by the General Assembly, and by the authority thereof it is enacted*, That the regulations heretofore adopted under the authority of the town of Providence, in town-meeting assembled, for the government of the work-house in said town, and to this act subjoined, be and they are hereby established as regulations for the good government of said work-house.

SEC. 2. *And be it further enacted*, That the Town-Council of the said town of Providence be and the said Council is hereby empowered from time to time hereafter, to alter and amend the said regulations, or expunge such as may seem to them erroneous or unnecessary, or add such new articles as may to them seem necessary,

And whereas, by reason of the existing laws of several of the neighboring States, it is often attended with great trouble and expence, and in some cases utterly impossible, to convey persons rejected by the said Town-Council to the place of their legal settlement.

SEC. 3. *Be it therefore further enacted*, That the said Town-Council may, upon the examination and rejection of any transient person or persons, remove them to the place of their legal settlement, or (if likely to become chargeable) commit

¹² *The Public Laws of the State of Rhode Island and Providence Plantations* (revision of 1798), pp. 362-69.

them to said work-house, to be there provided for and kept to labour: and the said Town-Council is hereby further empowered to commit to the said house, or Bridewell thereto belonging, any person who having been legally removed from the said town, shall return to reside therein, contrary to their order of removal. And in case any transient person, who is ordered to appear or be brought before the said Council for examination, shall secrete himself or herself to elude the officer, the said Council may order the proper officer to take such person into custody, whenever found by him, and commit him or her to the said work-house until his or her examination be legally taken.

SEC. 4. *And be it further enacted*, That any person, an inhabitant of the said town of Providence, who shall be convicted before any Court of Justices in the county of Providence of stealing or purloining any goods, wares, merchandize or other thing, not exceeding the value of forty dollars, shall, in default of paying the fine adjudged by the said Court, be committed to the said Bridewell for a term of time not exceeding one year; And in default of paying the cost and restitution adjudged by the said Court, such delinquent shall be put to hard labour in the said work-house, under the existing regulations thereof, until he or she shall discharge said cost and restitution, or be otherwise legally discharged therefrom: But if such delinquent be not an inhabitant of the said town of Providence, but a transient person, or resident in the said town without a legal settlement therein, the said Court may at discretion, sentence him or her as herein before provided or proceed according to the statute in such cases heretofore made.

SEC. 5. *And be it further enacted*. That any person convicted before any Court of Justices in the said town of Providence of an assault or battery, in default of paying the fine adjudged by the said Court, shall be committed to the said Bridewell for a term of time, at the discretion of the Court, not exceeding six months; and in default of paying costs, shall be kept to hard labour in the said work-house, under the existing regulations thereof, until legally discharged therefrom.

SEC. 6. *And be it further enacted*. That the Town-Council or any Assistant, Judge of a Court, or Justice of the Peace in the said town of Providence, may, upon the complaint of a freeholder, or other respectable person, or from facts within his or their own knowledge, call before him or them any drunken, riotous or disorderly person or persons, who may be detected in revelling in the streets, committing any sort of mischief, quarrelling, or otherwise behaving in a riotous and disorderly manner, to the disturbance and annoyance of the peaceable citizens of said town, and him, her or them commit to the said Bridewell, for a time not exceeding twenty-four hours, which commitments shall be by a mittimus in writing under hand and seal, stating the offence, and directed to the Town-Sergeant or Constable, to convey, and to the keeper of said work-house to receive, the person or persons so offending into his custody.

SEC. 7. *And be it further enacted*, That upon complaint being made to the said Town-Council, or any Justice of the Peace in the said town of Providence,

against any idle vagrant person, or any person who, having no family, has been examined by the said Town-Council, and ordered to depart, or any person who shall attempt to procure a living by begging in the streets, houses or elsewhere, the said Town-Council or Justice shall, upon due proof being made, commit such person to the said work-house, for a term of time not exceeding one month, in manner as aforesaid, there to be kept to labour.

SEC. 8. *And be it further enacted*, That if any officer, to whom any precept shall be directed as aforesaid, shall refuse or neglect to execute the same, upon complaint and due proof of such delinquency being made before any one Justice of the Peace in the said town, such delinquent shall pay to and for the use of the said town of Providence the sum of twenty dollars, with costs of prosecution. And any freeman of the said town may sue for and prosecute the same to final issue; *Provided*, that nothing in this act shall be construed to preclude any person from the right of appeal, in any case heretofore allowed by law. *And it is further provided*, that no part of the expense attending the government of the said work-house shall be chargeable on the State, except the maintenance of persons committed for theft, or assault or battery, who shall be allowed the same support as is allowed poor prisoners in gaol.

REGULATIONS FOR THE GOVERNMENT OF THE WORK-HOUSE IN
PROVIDENCE, BY THE PRECEDING ACT ESTABLISHED

DUTY OF THE OVERSEERS

The overseers for the time being shall meet at the work-house statedly on the first Monday in June, September, December and March, and at such other times as shall be found necessary, as occurrences may happen: the business of such stated meetings shall be to enquire into the state of the work-house, and as far as may be to remedy any inconvenience, settle the keeper's accounts, and do such other business as the nature of their appointment may require: the said overseers shall appoint one of their number, whose duty it shall be to visit the work-house weekly, and inspect into the conduct of the keeper, and the situation and conduct of those under his charge; which appointment shall continue for such term as may be agreed upon by the overseers; which visiting overseer shall call a special meeting of all the overseers whenever he may deem it necessary.

DUTY OF THE KEEPER

The keeper of the work-house shall be allowed such compensation, together with such room for the use of his family, as may be agreed upon by the committee appointed for that purpose; to be paid out of the town-treasury quarterly. He shall also be allowed fifty per cent of all the neat earnings of those under his care: he shall carefully inspect into the moral conduct of the paupers, and whoever may be committed to his care: He shall enjoin strict attention to the regulations relative to cleanliness, sobriety and industry: He shall also, with the approbation of the overseers, provide a sufficient stock of materials for the con-

stant employment of those under his care: He shall also allot to each one a reasonable task, according to his abilities: He shall be careful that no embezzlement take place, but by all laudable means in his power shall make their work as profitable as possible: He shall cause all accounts concerning the maintenance of those put under his care to be entered in a book or books provided for that purpose, taking care to have his account so entered as that the expence of each individual may be separately ascertained: He shall keep separate accounts of the stock and materials purchased by him, and shall take proper vouchers whenever money is expended: He shall regularly credit the materials manufactured and sold, mentioning when and to whom disposed of, and at every quarterly meeting of the overseers shall exhibit his accounts and vouchers for their approbation and allowance: He shall keep an exact register of all persons committed to his charge, noting their particular descriptions, and the time when they were entered and discharged: He shall be responsible for the execution of the several duties hereinbefore mentioned, together with the regulations hereafter expressed, for the fulfilment of which he shall give bond to the satisfaction of the committee.

RULES FOR THE GOVERNMENT OF THE POOR

1. The males and females shall be employed and lodged in separate apartments, unless it shall so happen that a husband and his wife shall both be in the work-house at the same time.

2. The paupers shall be constantly employed in such work as the overseers and keeper may consider most profitable.

3. If any person or persons admitted or committed to said house, shall be found remiss or negligent in performing the task allotted to them, they shall be punished by having their allowance of food reduced in such manner, and for such time, as shall enforce a compliance, under the direction of the visiting overseer.

4. If any one shall refuse to obey the keeper, or shall be guilty of profane cursing or swearing, or of indecent behavior, conversation or expression, or of any assault, quarrel or abusive words, to or with any other person, he shall be punished by close solitary confinement, together with a reduction of his allowance; but the keeper in such cases shall have the advice and approbation of the visiting overseer, who shall, with him, examine into the case; but in cases where the security of the house is in danger, or personal violence offered to the keeper, or any person or persons acting under him, they shall use all lawful means to defend themselves, and secure the authors and abettors of such outrage.

5. The keeper shall not suffer any buying, selling or bartering to be carried on by any of those under his care, either among themselves or with any other person; neither shall he suffer any spirituous or fermented liquors to be introduced, except such as he may use in his own family, or for medical purposes, prescribed by the physician who may have the care of the sick: And if any person under his care shall be detected in dealing in such liquor, or intoxicated therewith, he or she shall be proceeded against as provided in the fourth article.

6. All persons, on their first admission, shall be separately lodged, washed and cleansed, together with their clothes if found necessary.

7. Any person detected in gaming of any kind shall be proceeded against as in the fourth article.

8. Any person who shall demand or exact a garnish, beg, steal or defraud, shall be proceeded against as in the fourth article.

9. Those who shall distinguish themselves by their attention to cleanliness, sobriety and orderly conduct, shall be reported to the overseers, and meet with such reward as is in their power to grant or procure.

10. The men belonging to the house shall be furnished with suitable bedding, shall be shaved twice a week, shall have their hair cut once a month, change their linen once a week, and regularly wash their faces and hands every morning; the like attention shall be paid to the women, agreeably to their sex.

11. The house shall be whitewashed at least twice in the year, and oftener if necessary; the floors swept every morning, and washed on Wednesdays and Saturdays, from the twentieth of May to the first of October, and once a week for the remainder of the year.

12. The physician appointed annually to attend the poor, shall keep a register of all the sick, their disorders and his prescriptions, and shall render his accounts for the examination and allowance of the overseers, at each of their quarterly meetings.

APPENDIX IV

THIRTEEN CASE HISTORIES, 1644-1724

1. JOHN MOTT

29th of August, 1644: [Town meeting] It is further ordered, that Mr. Baulston shall have nine pound a yeare for John Mott's washing and diett; and what bedding he shall want, shall be [bought] by the Towne.¹

Janiuary the 25th 1648: It is Voated and Concluded that ould John Mott shall be provided for of meate drinke & lodging & washing by George Parker at his howse and Georg Parker shall haue 5^s a weeke payd him monthly out of the tresurie by m^r Boston so farr as the tresurie will goe²

At a towne melinge of the Inhabitants of Portsmouth the first second day in June (1649) Adam mott havinge offered a Cowe for ever and 5 bushels of Corne by the yeare so longe as the ould man shall live, towards his mayntenance that so he might be dischargd from any further Chardge: the towne every man that was free therto; settinge downe what Corne thay would give for this present yeare made up that 5 bushels 40 bushels and so it was Concluded that m^r William Balston should have the 40 bushels of Corne, and the use of the aforementioned Cowe this present yeare for which m^r Balstone undertake to keep ould father mott this present yeare and alowe him house rome dyate lodging and washinge. M^r Balston received the Cowe above named the 13th of June³

The first Second day of June (1650): It is ordered that ould John mott shalbee Provided for by the overseer of the poore.⁴

At a townes meetinge the 19th of January (1651): It is ordered that William Redfin shall Haue 10^l allowed him from the towne for to looke to John mott & giueing him meat & drinke & lodging and washing and for Cloathes for this present yeare untill the first munday in June next Insuing Ralph Earle Senior William fireborne Philip Shearma and John Briggs are Chosen to Proportion everie mans Some (in the towne) what thay Shall Paye to make up the Some aboue sayed for the use abouesayed.⁵

At a Towne meetinge of the Inhabitants of Portsmouth June 9th 52: it is agreed to giue william Redfin, 11^l and the 5 bushels of corne & the use of the Cowe this yeare for to keepe ould Jo^e mott this yeare insuing.

it is further agreed that there shalbe a stone house built for the more Comfor-

¹ *Records of the Colony of Rhode Island and Providence Plantations* (Providence, 1856), I, 82.

² *Early Records of the Town of Portsmouth* (Providence, 1901), p. 39.

³ *Ibid.*, pp. 40-41.

⁴ *Ibid.*, p. 46.

⁵ *Ibid.*, p. 57.

tabl beinge of ould John mott in the winter for the effectinge there of the townes men doe here promise that upon the Call of the overseers aforesayed, thay will Come in and helpe forward the worke.⁶

At a Towne meetinge the First seconde day in June (i653): It is ordered that a rate of twelve pounds be made for the satisfiing georg parker six pound upon his takeing ould mot to keepe this year for the first payment and to Cloath ould mott.

fower men are Chosen to make this rate viz: Thomas Layton will: Wodell Philip Shearman francis Braiten.

It is ordered that the thre Constabls shall gather this Rate and also that which is behinde of the other rates.

At a Towne meetinge of the Inhabitants of Portsmo[uth] June the 20th (i653): It is ordered that the Towne magistrates shall giue forth a generall warrant to the Constables Samuel Wilson to destrayne of the goods of such as shall refuse to pay what thay are rated either to the former rates or that rate which is to bee made for ould mott: and the rate to be satisfied and the overpluse to bee returned:

it is ordered that the over seers aboue sayed are autorizide to bargain with any man whome thay thinke fitt for thee keeping ould John mott this yeare upon the Townes Charge.⁷

January the 23th (i654) At a townes meeting: It is agreed that the townie wilbee at the Charge to pay ould John motts passage to the Barbades Iland and back againe if he Cannot be receiued there, if he liue to it, if the Shipp owners will carrie him.⁸

At a meetinge of the Inhabitants of the townie of Portsmouth on Roade Iland June the 17th (i654): It is ordered that William ffreeborne shall haue tenn pounds for this yeare insuinge to keepe ould mott to bee payde at the Rate of silver pay besides the Cowe and the fiue bushels of Corne, for which he is to Diet wash lodge and looke to the sayd old mott.

It is ordered that a Rate be made for the raysinge of this mony for the payment of william freeborn and Cloathing ould mott by the discr^etio of such men as shalbe Chosen therto: according to mens estates, the some to bee thirty poundes for the discharge of the former busines for ould mott and some other debts the townie owe: the men Chosen Jeames Weeden William freeborne William Woddell Edward ffisher Philip Shearman to make this Rate:

Thomas Lawton is Chosen to geether with the two overseers to gather this rate aboue named.⁹

At a meeting of the Inhabitants of the townie of Portsmouth July the third
l s white
(i656): it is ordered that John Teft shall haue 13-6-8-peage 6 P penny or black 3 P penny to keep ould John mott this yeare for dyat lodging washing and look-

⁶ *Ibid.*, p. 58.

⁸ *Ibid.*, p. 66.

⁷ *Ibid.*, pp. 60-61.

⁹ *Ibid.*, pp. 63-64.

ing to besyde the Cowe and the Corne that the ould mans son adam is ingaged to giue

m^r Balston is ordered to pay John Teft fower pounds nyne shillings out of the treasury mony when it Come in to his hand which is due to John Teft for part of the last years pay for keepinge ould John mott

m^r Balston is ordered to by ould John mott Cloathing out of the treasury mony that Come in to his hand according as m^r Balston seeth fitt¹⁰

At a meeting of the towne of Portsmouth the first day of *June* (1657) being munday Ordered that m^r Balston shall agree with goodman Teift for the keepinge of ould mott for this yeare insueinge and to pay him out of The Treasury.¹¹

A Meetinge of the Inhabitants of portsm^r: the 6th of January 1657 [58]:

It is ordered that the Treasurer m^r Will Baulston shall pay goodman Teift what is due to him for keepinge ould mott, with what other just demaunds is due to the sayd Teift about old mott.¹²

2. MARY WALLING [WALWIN]

Nar: 22.11.50 (so Calld) [Excerpt from letter from Roger Williams.]

Well beloved friends: . . . My Second Request concerns y^e Dead still: I vnderstand y^t one of y^e Orphanes of o^r dead friend Dan: Abbot, is likely (as she herselfe told me) to be disposed of in mariage Tis true she is now come to som yeares: But who knowes not, what neede the poore maid hath of yo^r fatherly Care, Councell & Direction: I would not disparage y^e young man (for I heare he hath bene Laborious) yet with your leaue I must say I durst not, you will not giue yo^r daughters in mariage to such whose liues haue bene in such a course without some good Assurance & Certificate of | his | not being engaged to other women or otherwayes criminous, as allso of his Resolution to forsake his former course, least (this Inquirie being neglected) The Maid & o^rselues repent when Miserie hath befallen her, & a just Reprove & charges befall o^rselues: of w^{ch} we haue no neede.¹³

The 28 of the 5th m. 51: [Town meeting.] Ordered that Thomas Harris & Nicholas Power, shall equally divide the Goates & goods, & what else that belongs unto the two Orphanes of Daniel Abbot deceased, & possesse Thomas Walling, husband of Mary Abbot, the daughter of the said deceased wth one halfe of the said Goats, goods &c/ & the other halfe to order for Daniel Abbot, the sone of the said deceased best advantage:/

Ordered that Thomas Walling & John Jones, received into Town-fellowship as Towns-men, & after the order of John Browne.¹⁴

All A Towne meeting November the 26 1662: Forasmuch as there is a Ladd named Daniell Coomstock, *who* hath for som tyme benn resident with Tho:

¹⁰ *Ibid.*, p. 72.

¹¹ *Ibid.*, p. 76.

¹² *Ibid.*, p. 82.

¹³ *Early Records of the Town of Providence*, XV, 38-39.

¹⁴ *Ibid.*, II, 57-58.

Walling, (*Who lately lived in this Towne of Providence*) But the said Tho: Walling being now departed the Towne; Mary Walling (Wife [u]nto the said Thomas Walling) having made her addresse unto *the* Towne, humbly desiring of them to take som Course with the said Ladd, Daniell for the bringing of him up, shee *the* said Mary not being able any Longer to take care of him: *as* also the said Mary Walling having againe at this Court preferred a bill concerning the said Ladd, unto the same purpose *as* aforesaid; Jt is therefore ordred by this p'sant Court, that *the* Towne shall from this day take care of the said Ladd for the bringing of him up:

The Towne hath put the abovenamed Daniell Comstock to William Carpenter, to be an Apprentice, untill the said Ladd *be* Twentye and one yeares of Age;¹⁵

Att A quarter Court, Aprill the 27th j663: ffor as much as Thomas Walling formerly inhabitant of the Towne of providence, having departed this Towne & left his wife, and a child in the Towne. The Towne being doubtful of the returne of the said Thomas Walling to take Care of his said wife, and child for their Releife,

Jt is therefore ordred by this presant Assembly that *the Towne shall* seaze, and secure, and doe now seaze and secure into *their hands* all the Estate of the Said Thomas Walling which is *now left in* this Towne, or within the limittes or libertyes of this *Town*, wheither it be Landes, goodes, howseing, or Cattell: *and that the* said Estate seized on, is secured for the releife of *the wife and* child of The said Thomas Walling: And that *mary Walling* the wife of the Said Thomas Walling, shall not sell *nor any ways* make away the said Estate, nor any part thereof, *without the* approbation of this Towne;

Jt is ordred that A prohibition be ffixd upon som *public* place, to forbid any person for Buyeing, or Bargaining *for* (with the wife of Thomas Walling) any of the said *Thomas Walling* his Estate which is within the Libertis of *this Town*, unlesse it be with the approbation of the Town: And that the Towne clarke his hand shall be annexed unto the said prohibition:/ A Copie Whereof is as foloweth.

ffor as much as Thomas Walling, formerly *inhabitant* of this Towne of providence; hath departed *this Town*, The Towne being doubtfull of his return *to take* care for the Releife of his Wife, and *child which he* hath left in this Towne:

This is to signifie unto all persons, that the Town hath seized into their handes, and Secured, all the estate of the said Thomas Walling (which is within the Liberties of this Towne of providence) ffor the releife of the Wife and Child of the said Thomas Walling;

And doe by the Authoritye of this presant Court, forbid any person or persons What soever the Buyeing, *or* Bargaining ffor; any of the said Estate: with the wife of the said Thomas Walling; wheither it be Lands, goodes, or Cattell; without it be with the aprobation of the aforesaid Towne of Providence;¹⁶

¹⁵ *Ibid.*, III, 30-31.

¹⁶ *Ibid.*, 32-34.

Att A Court of Election the first munday in June j663

ffor as much as Mary Walling hath desired of the Towne that shee might have libertye to sell the Right of Land which belonged vnto her husband; at Wayunckkeake; and also a Cow: the matter is left unto the Towne deputyes to take order about it.¹⁷

At a Genrl Court of Tryalls Held At Newport the 24th of October 1666: Upon an Indictment by the Genrl Atorney against Thomas Walwin of providence for that he did Asault beate and Wound Robert Colwell of the sayd providence: The sayd Walwin Enters Traverce pleads not guilty and Refers him selfe to god and the Cuntry for Tryall The Jurrys Verdict Wee finde the Defendant Guilty: The Court doe sentence him to be bound in a bond of twenty pounds to the peace and good behavior and to apeere at the next Court of the Tryalls and pay pressent Fees: the sayd Bond was taken in Court.¹⁸

At A Genrl Court of Tryalls Held At Newport the 24th of October 1666: Thomas Walwin of providence beinge bound in a bond of 20 li to appeere at this Court and not apeeringe hath forfeitted his Recognizence.¹⁹

2d of July, 1667, Generall Assembly:

Voated, wee haveing perused the petition of the Towne Councill of the towne of Providence setting forth their grievances in poynt of the charge that is like to fall upon the towne by reason of the wife and children of Thomas Walwin, who are left destitute by the sayd Thomas Walwin, who is supposed to be run away with Robert Colwell's wife, of the sayd towne. Now forasmuch as there is a bond of the sayd Thomas Walwins, that is forfeited, of twenty pounds for his not appearing according to the teanure of the sayd bond. Therefore, be it ordained by this present Assembly and the authority thereof, for the releife of the sayd towne of Providence, that the sayd bond of twenty pound be, and is hereby tranferred over vnto the Towne Councill of the towne of Providence, for them to take the forfeiture of the sayd bond for the releivinge of the wife and children of the sayd Thomas Walwin.²⁰

At The Genrl Court of Tryalls Held at Newport The 23: of October: 1667: Upon Indictment against Thomas Walwin of providence for Fornication The sayd Walwine being in Court Calld apperes and ownes Guilty The Court doe sentance him this beinge the second offence to be forth with whipt with fiteene stripes in Newport, and a weeke after, the licke punishment in the Towne of providence and to pay Court Fees.²¹

The proceeds of A gennerall Court of Trialles sitting at newport october the 20: 1669

Margrett The Late wife of Robert Collwell being formerly Indicted and being now Called before the Court and asked whether shee were guiltie of adultery or

¹⁷ *Ibid.*, p. 37.

¹⁸ *Rhode Island Court Records. Records of the Court of Trials of the Colony of Providence Plantations, 1622-1670* (Providence: R.I. Historical Society, 1922), II, 52.

¹⁹ *Ibid.*, p. 57.

²⁰ *Records of the Colony of Rhode Island*, II, 210

²¹ *Rhode Island Court Records*, II, 66.

not She did in open Court Confese Shee was guiltye of the acte of adultery The Court Taking notice of her Ingeniuous Confestion Doe therefore Remitt halfe the punnishment and halfe the fine Due by the Law for her said offence and accordingly doe Therefore sentance her the said margrett to be but once whipt and that in the Towne of newport on munday this Instant being the first day of november about two of the Clocke at the great gun before Capt morris house with fiftene stripes and to pay alsoe a fine of five pound to the publicke Tresury²²

The Enroulments of Burialls.

Memorand: That Mary Wallinge, wife to Tho: Wallinge departed this Life in y^e yeare: 1669: or thereabouts

Memorand: That Thomas Wallinge husband to y^e sd Mary Departed this Life y^e 19th of July: 1674:²³

The Enrolement of A Letter of Administration Granted vnto Margrett Walling as ffolloweth

Whereas you Margrett Walling of providence in y^e Collony of Road jsland & providence Plantations in New-England was by y^e Last will & Testament of yo^r deceased husband Thomas walling made & Appoynted his Exsecutrix; The wth will bareth date y^e Nineteenth day of July Anno one Thousand Six hundred Seaventy foure: These are therefore to Authorize & jmpower you y^e sayd margrett walling to Administer vpon y^e Estate of yo^r sayd deceased husband Thomas walling, & truely to Execute & performe his Sayd Last will & Testament in all & Each perticular according to y^e true intent & meaneing thereof. Given by vs y^e Towne Covncill of providence vnder our handes & Seales Dated y^e 22nd day of november 1675 [Signatures omitted.]

Entered vpon Record this first day of june 1680

Examined & Compared: By Daniell Abbott Cl:

The Enrolement of [a Coppie of y^e] jnventory As ffolloweth

An Jnventory of y^e Estate of Thomas walling of this Towne of providence Now Deceased.

Three Cowes	10-10-00
Jmpri:	
Two yovng bulls	03-10-00
Three Calves	01-10-00
Two Horses	04-10-00
Tenn Swine	10-00 00
	00 00 00
In y ^e outer Roome of y ^e dwelling hous Two Jron potts	01-00-00
one Bell mettle Skillett	00-02-00
Tinning ware	00-00-06
Two ffrying pans	00-08-00

²² *Ibid.*, p. 82.

²³ *Early Records of the Town of Providence*, V, 203.

The
inventory.

One spitt & Two Gunns	01-18-00
Earthen ware	00-02-00
One Tramell & | two | hooks	00-03-06
Two bibles, Two spinning wheeles, one p | of | Cards	00-14-00
wooden dishes & Lumber	00-10-00
<i>In y^e inner Roome</i> One Bed, & beding thereto belonging	03-00-00
One Chest and what is in it	00-10-00
home made Cloath, & one Lonthorne	01-10-00
his wareing Cloathes	02-10-00
One paire of bootes without Tops, one paire of shoes	00-15-00
homemade yarne	01-10-00
one P of Gloves, & Two P of Stockings	00-06-00
homemade yarne	00-12-00
Lumber	00-15-00
<i>In y^e Leantoo</i> Two Blanketts being homemade	01-15-00
Three Sieves	00-03-00
Lumber	00-12-00
<i>In y^e Chamber</i> Sheeps wooll, & Cotten wooll	01-08-00
Indian Corne & Cheese	00-13-00
Lumber	00-10-00
<i>In y^e Sellar</i> One firkin of butter	01-10-00
One Tub & Two keellars	00-08-00
One Churne, Two pailles, & one pigging	00-04-00
Tallow & Candals	00-06-00
<i>In y^e Sellar Chamber</i> foure Barrels	00-12-00
Sheeps wooll & Lumber	00-10-00
One horse Cart & wheeles, with other horse Tackling to it	02-15-00
all his working Tooles	02-10-00
One Saddle, one pillion, & one pannell	01-10-00
Two Sithes, one P of horse fletters plow & plow-Irons	00-14-06
The dwelling house outhouseing Land & medow there | vnto | Ad- joyneing	100-00-00
His Right of Commonning on y ^e East Side of y ^e foure mile Line Sett by the Towne	03-00-00
his halfe Right of Commoning between y ^e Seaven mile Line & y ^e foure mile Line sett as aforesayd	01-00-00
His Right of Landes medowes, & Commonning Lieing vpon y ^e west side of y ^e seaven mile Line	05-00-00
His Right of Landes wescodomsett	01-00-00
The Sum totall if noe mistake in y ^e Casting vp is	171-07-00

A ffaire prizall of what was made appeare vnto vs to be the Estate of y^e afore-sayd Thomas walling | now | Deceased. Being Taken this Tenth day of August one Thousand Six hundred Seaventy and foure, [by vs] As witnesse our handes Entered vpon Record y^e first of june 1680:
Per Daniell Abbott Towne Clerke²⁴

John Smith
John whipple jun^r:

To y^e Towne mett this 4th of march 168³/₄ []tlemen.

(1667 or thereabouts)

Memorandum: Tho: Walling Deb^r

Per Keeping his son Thomas | aboute | 12 months when he run away with Margrett	£ 04-00-00
Per helping his wife in his Absence	04-12-00
Per Margrett walling widdow, Debr: | at Least | aboute	01-10-00
	10-12-00

R^{ed} spinning | one lb | of wooll:/ & a Litt knob of thread:²⁵

3. WILLIAM BURROWES

At A Towne Meeteing ffeburarey the 4th (1660): ffor as much as William Burowes Throug[] Age, and weaknesse standeth in neede of helpe for Releife, Jt is therefore Ordred by this presant Assembly, that this Towne shall|take him into|theire Care to Releive him, and Also to Sarch out what Estate he hath, And to take it into theire handes and improve it for his Beniffitt:/

Ordred that the Towne send unto M^r Roger Williams to send in all the writings, which concerne William Burrowes his Estate which hee hath in his hands.

The Copie of A Writeing Sent unto Roger Williams, As ffolloweth:/

M^r Williams This Towne hath Voted to take care of William Burrowes, The Towne there fore doth desire you to send all the wrighteinges you have in yo^r handes which concerns the Estate of the said William, as well Thomas Arnolds, and the widdow mans, as Henery Redockes, They cannot proseede ffarther untill the wrighteing^{es} Come:

from the Court of providence
this 4th of the 12^t Mo:60

Tho: Olney Jun^r Clarke

Ordred that the Two Towne Deputyes shall Conferr with Henery Redock About those goodes, or Cattell which he hath Received of William Burrowes and bring theire Report to the Towne

Ordered that the Moneys contributed Towards the Releife of William Burrowes, shall be but Lent, upon this Condition, That if any thing be left after the said William Burrowes his decease it shall be returned unto Every man, so farr as it Will goe Answerable unto what he hath disbursed:/²⁶

²⁴ *Ibid.*, VI, 16-19.

²⁵ *Ibid.*, XVII, 29-30.

²⁶ *Ibid.*, II, 140-42.

Att A Towne Meetteing December the 27th 1660: This Towne haveing taken William Burrowes. his condition into consideration, they thought good to Send for m^r Roger Williams, but hee not coming, only sendeth A paper, A Coppie thereof followeth,/

providence 17/8, 56: so called

Whereas William Burrowes by agreement was to pay 8£ at his death to Henery Redock; Jt is now agreed that William Burrowes Shall deliver A Bill under his hand within A month after this date, to George palmer to deliver his Two Cowes to Henery Redock for the debt aforesaid, And the Said Henery Redock, Shall pay the Said William Burrowes 15 ^s. yearly in Butter, and Cheese at the comon price, So long as the Said William Burrowes shall Live: Also William Burrowes bequeatheth unto *John*, Son to the said Henery Redock his Three Score Acors of Land, and Meddow at neotaconkonitt: And all his movables and Debtes at his death unto Elizabeth the daughter of the said Henery Redock; And the Said Henery Redock hereby ingageth himselfe, his heirs to provide conveniently for the Buriall of the Said William Burrowes.

In Wittnesse hereof both parties have Interchangably Sett to theire handes
in the presence of Roger Williams

William X Burrowes

James X Reapes his marke

his marke

Henery Redock²⁷

Providence 2. 6. 55 (so calld,

This testifieth y^t W^m Barrowes of Providence hath sold vnto Thomas Arnold of Providence aforesaid, his whole parcell of Meadow (of quantitie more or less) & six acres of vpland lying together|at Newbridge|vpon these tearmes following viz y^t [] homas Arnold shall pay Yearly vnto y^e said [] illiam Barrowes, so long as y^e said W^m Barrowes shall liue (liue he longer, or die sooner at y^e good pleasure of God) y^e full summe of fortie shillings in manner & forme following: First thirteene shillings & fowre pence in Labour of ploughing or Carting or some of both: 2^{ndly} y^e said summe of 13^s 4^d in English Corne Wheat or Rye, or some of bot[] as y^e price shall be Currant at Prouide[]e after harvest: & y^e said summe of 13^s 4^d in swines flesh, at killing time before Winter

Jn witnes whereof they haue interch[]ea|bly set their hands,| & seales|binding alls[]r heires, []|Exe[]|strato^{rs} & Assignes vnto y^e performance hereof in y^e Presence of

Thomas Arnold²⁸

Roger Williams

The Towne perusing the aforesaid paper thought good to returne An answer unto m^r Roger Williams

A Copie there of followeth:

M^r Williams you both complained yo^r Selfe And also others unto o^r Towne officers, to take care of William Burrowes: Wee though it could no better be done, but in A publique Towne Meetteing, but wee having no Knowledg how Matters Stood with his Estate sent for you that wee might have benn fully in-

²⁷ *Ibid.*, p. 136.

²⁸ *Ibid.*, XV, 70.

formed, wee waited and only received A paper from you, which was no Satisfaction to us, And put us to A stand, And wee thinge that both Charetye to yo^r Neighbours, And William Burrowes, would have yelded us yo^r presence both with yo^r counsell, and action; But wee are at A losse, As for yo^r paper we are Sorrey to See Such unwise passages, That A debt due after death, Should be payde out of his Estate whilst hee is yett living in A manner as wee conceive takeing Bread out of his mouth for wee judge it the princeple of his lively hood, And wee thinke if it had benn well managed might have given A good Stroake to his maintainance, And wee judg the Law will make them Keepe him while hee is living, that Should have his Revenewes when hee is dead; only one thing wee well perceive is taken care for (viz) an honorable Buriall, but wee find but litle honorable care for his Livelyhood; Sir wee desire you would take all in good part, wee intend no Evill but willing to give A hint as we find it, wee Rest:

Yo^r Lo: Neighbours

Tho: Olney Jun^r in the
behalfe of the Rest²⁹

27th i660:

October the 10|1661|Roger Mawrey Tooke in Wim Burowes³⁰

Att a Towne Meeting September the 20th j662: It is ordred that the Towne Deputyes Agree with Roger Mawrey to keepe William Burrowes another yeare, begining so soon as this present yeare is Ended, And to conclude about prise; What pay: an all matters Concerning it: /

fforasmuch as A bill hath benn this day proffered unto the Towne, to question William ffeild how he came by the 60 Acres of Land which belonged unto William Burrowes

Jt is Therefore ordred, that the Clarke shall send under *his* hand, in some lines unto William ffeild to request his presence at o^r next Towne meeting to answere unto the Matter.³¹

Att a Towne meeting October the 12th: i663: It is ordred that the Towne Deputyes shall goe unto all the Jnhabetantes belonging unto this Town to see what will be ffreely Contrebuted towards the releife of William Burrowes: And if a considerable sum cannot be granted in that way: for them to make Report unto the Towne; and for the Towne to levie a rate upon the inhabetanc for the releife of the said William Burrowes: /³²

Att A Towne meeting December the 23: j663: Jt is agreed that the Towne send a noate unto m^r Redock under the Towne Clarkes hand, to demaund of him ffifteene shillings, due unto William Burrowes: /a Copie thereof is as ffolloweth, M^r Redock.

The Towne being making up all accountes Concerning William Burrowes: They find ffifteene shillings to be due from you: They doe therefore hereby demaund the same sum *desiring the speedy* payment thereof; which if the pay-

²⁹ *Ibid.*, II, 137.

³¹ *Ibid.*, III, pp. 26-27.

³⁰ *Ibid.*, XV, 88.

³² *Ibid.*, pp. 41-42.

ment be refused, the Towne must then be constrained to take a Course for the Recoverie there of: /

Decemb^r: the 23: 1663:

Yo^r ffrindes and Neighbours
the Inhabetantes of the
Towne of providence

Tho: Olney Jun^r Towne Clerk³³

*Att A Meeting of the Towne, upon or quarter day Aprill the 27th: j664: Ordred that Zacariah Roades and John Browne shall goe unto the Widow man and to agree with her about what shee oweth the Towne, upon the accountes of William Burrowes deceased;*³⁴

4. JOHN JOANES

[Towne meeting December: 1677:]

Voated by the Towne, upon the presentation of a bill presented by John Joanes, That the Towne doe make Choyce of will Hopkins, and Thomas Arnold to take some paynes and see where they cann find any Conveinnient place where he may be accomadated, Either for his Esstate, or for soe much by the yeare as the Towne and they cann Agree for, and to make their returne to the Towne,

The meeting is Ajorned to this day Come Seauen night;³⁵

*The Towne is Come togeather acording to their Ajornem^{nt}, Voated by the Towne, that Thomas Arnold and william Hopkins shall and are hereby ordered to repaire John Joanes his house, soe as to make it as Comfortable as may be for this winter season, and haveing done it to make their demaund of the Towne, and shall receive of the Towne Reasonable satisfaction for their paines,*³⁶

to the toune mete this. 4th. of february. $\frac{79}{80}$, my Request is y^t Sume timly kar bee

taken for our Olde | n^b | John Jones. for fiare wood and Sume other nesesaris for his Releph

your naber

william Hopkin [37]

Att a Towne Meetting ffeb: 4th: 1679:/or: 8o:/ Voted vpon y^e p^rsentation of a bill by Cap^t: will: Hopkins: Concerning y^e provideing of fire wood, & other necessary releife for y^e p^rsent Supply of y^e want of o^r Ancient Neighb^r: John jones: The towne in order thereto, have requested y^e sd Cap^t: Hopkins, & Tho: Harris jun^r., for to repaire vnto y^e sd John jones with out delay, And for to know of him what his greatest (present) wants are; and to Supply them soe farre as may be his p^rsent necessity, vntill y^e Next Towne meetting; where then (they bringing|in| An acc^{tt} of his Condition, & alsoe what they have expended on him,) The towne will take further care (in both respects) to Answer what is suitable in y^e p^rmises.³⁸

³³ *Ibid.*, p. 45.

³⁴ *Ibid.*, p. 53.

³⁵ *Ibid.*, VIII, 22.

³⁶ *Ibid.*, p. 23.

³⁷ *Ibid.*, XV, 201.

³⁸ *Ibid.*, VIII, 66.

The towne is againe Assembled according to y^e Adjurnmt [December 8th] Voted. That John whipple jun^r: & Daniell Abbott, be by y^e Towne Chosen, ap-
poynted, & fully impowered in y^e Town's name & behalfe, To repaire to, & Con-
ferr with o^r Ancient Neighbour Joⁿ: joanes, And to vnderstand (more fully) his
really intention minde & will; in reference to y^e instrument or Covenant made,
or to be made, between y^e sd joanes & this Towne of providence; Concerning
his maintainance: The w^{ch} y^e sd whipple and Abbott are to see to y^e finnish-
ing of, by y^e Signeing & Sealeing to it to be Authentick, And present it to y^e Towne
at y^e next Towne meeting for their Approbation.

Voted & ordered, That Cap^{tn} william Hopkins, & Tho: harris jun^r:; (who are
by y^e sd joanes accepted of,) shall in y^e townes behalfe, see to y^e Supplying o^r sd
neighbour joanes wth w^t is meett & necessary for his Comfortable reliefe, & well-
being, dureing his natureall Life: and w^t y^e sd hopkins & harris, or Either of
them, shall expend & disburst vpon y^e accovnt aforesd, shall honestly be repaid
by o^r Towne Treasurer out of y^e Towne Treasury. or by y^e Towne.³⁹

The Towne mett this 15th of December 1680: Voted by y^e Towne, that some
Lines be forthwith drawne vp & sent to our Neighbour Joⁿ jones, & signed by y^e
Clerke in y^e behalfe of y^e sd Towne: A copy thereof is as followeth

These are to Signifie vnto you John joanes, That y^e towne (at this p^rsent) doe
not see cause to accept of y^e instrum^t as it was made concerning yo^r maintenance
by y^e Towne; But doe desire yo^r selfe in y^e first place to gett some honest Neigh-
bours (according to Law) to take an inventory of yo^r whole Estate, and Committ
it into y^e Custody of Cap^t hopkins & Thomas harris jun^r; who are desired by y^e
Towne to draw vp an instrument, or cause one to be drawne, w^{ch} may y^e better
suite y^e Town's acceptance: And then at y^e next Towne meeting, the Towne
will determine more fully of matters relateing vnto yo^r (future) Comfortable
Substance.

Att a Towne meeting on y^e 27th of Jan: 16 $\frac{80}{81}$ *: It is voted & ordered by y^e*

Towne, That Cap^t: Hopkins, and Tho: Harris jun^r: shall Conferr & advise with
our Ancient Neighbour John joanes, in y^e Sayle of his house & ground vnto
John Smith-Mason (or any body else): Soe as it may be most Conducing to y^e
sd joanes Advantage & y^e Towne's, in reference to his Maintainance by y^e
Towne.⁴⁰

To the towne met this 27th of Aprill 1681 for as | much as, | John Joans by
y^e providenc of god is not of Capasitie to liue with out sum Reliue and Conse-
quently it must be from this Towne we therfore whos names are here vnto sub-
scribed, hold our selves bound eaqually wth the rest to se that he may not suffer
for want of Covenant suply. in such A Case and to y^t end we desire the towne
to take in to their Care and Custody what lands he hath that so it may not be
Childishly dispos|s|ed of to noporpos as to his reliefe: and their Care in so doing

³⁹ *Ibid.*, pp. 87-88.

⁴⁰ *Ibid.*, pp. 89-90.

will pervert great Charg that is Like to Jnsue) and Jf it be not prevented in time: it may Cause moast of this Tow to Rember ther neglect⁴¹

[Signatures omitted here]

The Towne is againe Assembled [April 28, 1681:] Voted. whereas o^r Ancient Neighb^r John Joanes by reason of his incassity to maintaine himselfe & make y^e best of his Estate, hath resigned his sd Estate to y^e Towne, and y^e Towne to make y^e best of it for his necessary releife & y^e Townes Bennefitt; and he y^e sd Joanes in y^e time of his weaknes & by reason (as he saith) of his missvnderstanding what he was informed by by y^e Justices & others by y^e Towne deputed: Took vpon him to make Sayle of that he putt into y^e Townes hands (to keep or sell (at their pleasure) to his neighb^r Joseph Smith: The Towne not approveing of y^e Sayle: and vpon debate thereof, y^e sayd Joseph Smith hath, & doth, relinquishes y^e sayd sayle made by y^e |sd| Joanes vnto y^e sd Joseph Smith to y^e Towne to whome of Right it doth belong The Towne now mett doe heareby putt y^e sd Right of his house & Lott vpon sayle vpon these Contitions, that he or they that will give most for it in y^e speacia heare after named, that is to say, y^e Third part in silver, & the other two Thirds as money, & in such things as two men appoynted by y^e Towne shall see it be needfull for y^e sd Joanes releife, provided it can be had for any pay at money price; And alsoe that y^e sd John Joanes shall in habitt in y^e sd house soe Long as y^e |sd| Joanes shall see cause & y^e Towne's Two men before sd to be Chosen: and to have a path way of four foott wide to pass & repass from y^e house to y^e high way, for him, or any other person or persons to see, vissitt, & releive him.

The sayle of John Joanes his Lott as abovesd Sould by the jnch of y^e Candle Thomas harris hath bid sixteen povnd as abovesayd

Joseph Smith seaven shillings more

The sd Harris Eight shillings more

The sd Smith Eleven shillings

Tho: Harris Twelve shillings

Jo: Smith Sixteen shillings

Tho: Harris Seaventeen povnd Six shillings⁴²

May y^e 21st: 1684 The Councill is againe come together

Inquirey hath this day benn made whether the late deceased John Joanes made any dispossession of his Estate by any will made, But no will appeares, Therefore y^e Councill proceeds as the said Joanes dyeing intested.

The Councill haveing taken into Consideration to order about y^e Estate of y^e late deceased John Joanes, And doe Comitt the Administration of y^e said John Joanes his Estate unto Joseph Smith (the son of John Smith the mason) the said Joseph Smith haveing the said Estate already in his handes; And the said Joseph Smith legally to dispose of y^e said Estate & what Else as y^e law requirs Ordred That on y^e Councils behalfe Thomas Olney the Towne Clarke doe signe a letter of Administration to Joseph Smith to Administer upon y^e Estate of y^e deceased John Joanes.

⁴¹ *Ibid.*, XV, 228.

⁴² *Ibid.*, VIII, 95-96.

A Coppye of y^e letter of Administeration followeth

Whereas John Joanes of y^e Towne of Providence in y^e Colloney of Rhode Jsland & Providence plantations in new England died y^e first day of this instant may: & dieing intested his Estate falling unto y^e Care of y^e Towne Councill of Providence aforesaid for dispossession.

Therefore wee the Towne Councill of Providence aforesaid doe, Order, Comitt & Appoynt Administeration & the Administration of y^e Estate of y^e said deceased John Joanes wee doe Comitt unto you Joseph Smith (the son of John Smith the mason) to order doe & dispose thereof, & upon y^e same & Every part thereof to Administer, & therewith to doe according as the law in Such Cases requires, Jn doinge whereof this shall be your discharge.

At our Councill meeteing by adjornment May y^e 21st: 1684. By order of y^e Councill Thomas Olney Towne Clarke

Vpon y^e Recept of the said letter of Administeration the said Joseph Smith hath given in unto y^e Towne Councill & Every of theire successors a bond of twenty pounds sterling for y^e true performance of y^e trust to him Comitted in y^e said letter of Administration, the bond is under his hand & seale⁴³

The Record of the Jnventarey of the Estate of the deceased John Joanes; as followeth./

The Jnventarey Made of all the Goods of John Joanes late of the Towne of Providence in the Colloney of Rhode Jsland in new England deceased, taken viewed & prised the third day of May in y^e yeare 1684: by Epenetus Olney thomas Arnold [Items omitted here]

This is a true inventarey according to y^e best Jnformation we had
Epenetus Olney, Thomas Arnold./

The sum totall is 8^{lb}: 4^s: 1^d.

Endorsed on y^e back side as followeth, Epenetus|Olney|& Thomas Arnold the fift day of May in y^e yeare 1684 came before Capt: Arthur ffenner Assistant in the presence of y^e Councill & upon there Engagements did testifie to y^e trueth of y^e inventarey on the other Side of this paper written,

As Attests Tho: Olney Towne Clarke

Joseph Smith this 5th day|of May| in y^e yeare 1684 Came before y^e Councill, & there before Arthur ffenner, Assistant did Engage to the truth of y^e inventarey on y^e other Side of this paper written; And that what is therein Contained is all y^e Mooveable Estate which any wayes belonged to the deceased John Joanes, that he knoweth of.

Recorded June the 24th: 1685 by me Tho: Olney Towne Clarke⁴⁴

5. THOMAS COOPER

Att a Towne meeting y^e 17th of November 1680: Voted. whereas y^e Towne hath beene informed, that there is a stranger that Lately inhabited with Jonathan Sprage with | in | this jurisdicion, without y^e Townes Approbation: Therevpon this Towne doth order, & it is hereby ordered, that y^e Serjant shall

⁴³ *Ibid.*, VI, 119-20.

⁴⁴ *Ibid.*, VI, 122-24.

give notice vnto y^e sd Sprage, & the non resident there with him, That they re-paire vnto this Towne at y^e next Towne meeting vpon this adjournement, to give accovnt thereof vnto this sd Towne.

The *towne is mett againe according to y^e Adjurm^t*: Voted. That y^e sd stranger Thomas Cooper (by name) who hath Lately inhabited with Jonathan Sprage within this jurisdiction: Who this day comeing before y^e towne, & giving a Sober account | vn | to such matters demanded of him; the Towne vpon Consideration, hath seen cause to Allow y^e sayd Cooper Liberty in this jurisdiction to abide, vntill they Shall see cause to y^e contrary.⁴⁵

To the Towne of Providence mett December the 7th 1681 Neabours there is one Thomas Copper in this towne only vpon sefferans which I heare is like to make great waste of our pick woyd by runing of tar which will be great lose & damage to this towne there fore I pray the towne to take Soum Speedy care to preuent it in time Soe I Rest yours.⁴⁶ Thomas ffield

The Towne is againe mett [December 7] Voated whereas at a Towne meeting November y^e 17th: 1680 the Towne did grant leave y^t Thomas Cooper might reside in this Towne, till y^e Towne see cause to y^e Contrary, the Towne upon just reason, Doe see Cause y^t the sayd Thomas Cooper shall nott any longer stay or reside within this Townes jurydiction, but forthwith be gone, before y^e 14th of this instant December 1681 if he have: 3: days warning, if nott then within three days after y^e sayd Time, or then to be sent by the Constable to y^e next Constable of ye next Towne to be Conveied to y^e place from whence he Came. and y^t by a warrant from any one of y^e justices of o^r sayd Towne⁴⁷

To the Towne mett this 2th of January 1681: I vnderstand that Thomas Copper is not gon out of this towne according to the order of the towne I pray the towne to Consider of it whether it may not be Convenient to Chuse 2 or 3 men to desier of our maigstrats a warant to remue him according to order of the towne & if thay refuse then to haue power to pray A warrant of the Gouverner to send the sayd Copper according to order of the Towne soe I Rest⁴⁸

Tho: ffield

The Towne is againe mett acording to their ajournement [January 2nd 1681] Voated by y^e Towne y^t: Thomas olney Jun^r, Thomas ffeild and Joseph Williams or any two of them are Desired, and Authorized to Desire of y^e justicess or any one of them to Grant a Warrant to send Thomas Cooper out of this Towne according to y^e Townes December: y^e: 7th: 1681: and to see y^e thing Effectually Done, and if y^e justices shall deny or refuse to Grant Warrant as Aforesd, then they or y^e major part of them are Jmpowered, to desire | of | the Gove | r | nor a Warrant to send y^e sayd Thomas Cooper to the place of his former aboode where he formerly lived before he came to this Towne.⁴⁹

To y^e Towne: mett upon Ajournemeut Aprill | the: 28th: 1681 | I desire yo^r

⁴⁵ *Ibid.*, VIII, 86-87.

⁴⁶ *Ibid.*, XV, 234.

⁴⁷ *Ibid.*, VIII, 102.

⁴⁸ *Ibid.*, XV, 218.

⁴⁹ *Ibid.*, VIII, 105-6.

Consideration as to ye resideing of Thomas Cooper in o^r Towne: who Carrieth y^e matter as one not fitt here to reside: as by his Clamers against y^e Towne: as is sayd | may: Appere |⁵⁰

Per me John Steere

The Towne is againe Assembled April 28th 1681 Voted. whereas there is (this day) a Complaint made to the Towne against Tho: Cooper (resideing wth Jonathan Sprague) of some miscarriage of his since he came with in this Townes jurisdiction: It is therefore ordered by y^e Towne, That y^e Clerk shall signifie vnto y^e sd Cooper in a few Lines by y^e Serjant, to require him (in y^e Town's name), to make his personall apperance before them at their next Town meeting, to give Answer to such things as shall be Objected against him:⁵¹

To you Thomas Cooper now resideing | wth | in y^e jurisdiction of this Towne of providence in his Majesties Collony of Rhoad-Island & providence Plantations in New-England

Whereas there is a Complaint to y^e Towne this day come Against you of Some Misscarriage of yo^r^s Since you came into this Townes jurisdiction: These are therefore in y^e Town's name, to desire | & require | you to make your personall appearance before them at their next Towne meeting, w^{ch} will be vpon y^e 6th day of june next, To give Answer to Such things as shall then be Objected against you; Whereof you are not fayle as you Answer y^e Contrary

In y^e name & by y^e order of y^e Towne

Per me Daniell Abbott Towne Clerke

Att o^r Towne meetting April y^e 28th: 1681⁵²

The towne Councill is mett & in being July y^e 12^l: 1683. Here followeth an order for the warning of Abigall Sibly out of the jurisdiction of our Towne

Whereas y^e Councill is informed that there is a person one Abigal Sibley by name who is come with within y^e jurisdiction of our towne, & with her hath brought a child: And least what charge may accrew unto our town; These are therefore to warne you Abigall Sibley forthwith to remoove yourself & your said Child, out of y^e jurisdiction of our town, otherwise we shall be constrained further to propegate o^r our law for your remoovealls. | By y^e Councill [Signatures omitted.]

July y^e 12: 1683: Samuell Wilkenson Constable you are in his Majestyes name required to read this within written unto y^e person Exprest, & to her deliver it./

Whereas y^e Councill is informed that there is a publication sett up in a publick place of this town subscribed Arthur ffenner, Assistant, publishing of Thomas Cooper & Abigall Sibley in way of Marriage./

The Councill doe order that a prohibition from y^e Councill be Emediatly sett up under y^e said publication to forbid y^e Marriage./

A Coppy of y^e prohibition is as followeth./

⁵⁰ *Ibid.*, XV, 229.

⁵¹ *Ibid.*, VIII, 96.

⁵² *Ibid.*, XV, 229.

Whereas there is a publication beareing date y^e 7th instant, made by Arthur fen^r: Asistant, publishing on Tho: Cooper in way of Marriage with on Abigall Sibley; And whereas we y^e towne Councill of Providence are betrust with y^e afairs of y^e said towne, as to persons which may be in any likelyhood chargeable unto y^e towne, or be any wayes Reproachfull thereunto. And whereas y^e said Tho: Cooper hath manifested himselfe a person infamous; in that he hath forsaken a sober woman who is his wife, leaveing of her to what may befall her, as to y^e Care of friends or towne; himself wandring the Countrey setting of his mind upon others: which in case he should be joynd in marriage with y^e said woman he may as well leave her & depart, leaveing y^e said woman & child w^{ch}: shee hath brought with her as charge to y^e towne. Wee the said Council upon y^e aforesaid Groundes; & for that the said Cooper appeares no other but already to be in wedlock Doe, by y^e trust to us Comitted forbid marriage upon y^e above-said publication

Dated July y^e 12th: 1683: By y^e Councill,⁵³

[Signatures omitted]

At a meeteing of y^e Councill December y^e 3^d: 1683: the first Munday of y^e Month./

Ordred that y^e Majestrats doe send their warrants to bring in Abigall Sibley, Richard Bates, & y^e woman with him dwelling; & one Henry Wood; & a man which is a Weaver, (at presant at Edward Londons) to appeare before y^e Councill the first Munday In Januarey next, at John whipple jun^r: his house to give an account of their Resideing in our Towne.⁵⁴

At a meeteing of y^e Councill Januarey y^e 7th: 1683²: It being y^e first Monday
of y^e month Whereas there is one Abigall Sibley come into our Towne & with her brought a young child, & within our Towneshipp is Entertained by one Thomas Cooper, And Whereas y^e said Abigall sibley hath formerly benn by y^e Councill warned to remoove herselfe & her said Child out of y^e jurisdiction of our said Towne; yett not withstanding the said Abigall Sibley doth with her said child remaine within our Towneshipp: The Councill doe therefore order that for as much as it is at presant winter season, the said Abigall Sibley shall betweene this presant day & the first Munday in March Next Ensueing remoove herselfe and her said Child out of y^e jurisdiction of this Towne of Providence; otherwise the the majestrates shall Exercise their power to remoove them according as our law provides. And that y^e said Thomas Cooper, & y^e said Abigall not to live together dureing y^e aforesd time./⁵⁵

6. THOMAS AND ANN WATERS

To y^e Towne mett this: 15th: of Decem^r 1680: my request to y^e Towne is: that they woold Grant me libberty to residede in y^e Towne Dureing the Townes Approbation, behaveing myselfe as a Civell man ought to doe, Desireing not to putt y^e Towne to any Charge by my resideing here; and for what y^e Towne shall

⁵³ *Ibid.*, VI, 109-11.

⁵⁴ *Ibid.*, p. 113.

⁵⁵ *Ibid.*, p. 114.

see Cause further to Enquire of me, I shall see I hope to give them a true and sober Answer there unto, Yo^r freind and Servant. Tho: Waters:⁵⁶

At a Towne meeting March ye 16th: 168⁵/₆. Whereas there is one Thomas

Waters by name who is come into our towne (haveing brought a woman with him) who is like to be troublesome to our towne, & in likelyhood Burthensome; The towne haveing already declared theire dislike of his coming into y^e towne & y^e towne haveing this day sent for him, demanding securitye of him to save y^e towne indemnfied from w^t charges at any tyme may accrew upon y^e towne through his meanes; but hee haveing utterly Refused y^e same, & instead thereof Reflected upon y^e towne with app|ro|brious termes

The towne do therefore order: & desire y^e towne Councill to take an Efectuall Course as law Requires to remoove y^e said Thomas Waters & y^e sayd woman & all his charge out of this towne.⁵⁷

At a meeeting of ye towne Councill march ye 22nd: 168⁵/₆ Whereas there is a

person, one Thomas waters by name, who some time since made Request to our towne for theire admittance that he might make his Residence amongst them in our towne, Either by buyeing or hireing; but ye towne Refused y^e same, & gave no admittance to y^e sayd waters; yet not withstanding y^e sayd waters hath presumed to Come into our towne, & with him hath brought a woman whome he sayth is his wife, & as he hath manifested intendeth in Our sayd towne to make his aboade; And for as much as y^e sayd Thomas waters doth appeare to be a person of Evill fframe & his sayd wife also of no better Report, & they being likely to be troublesome, & may be chargeable to y^e towne; The towne being therefore desireous for theire remooveall, & haveing Called upon the Councill for y^e same; The Councill haveing Considered y^e Matter, & find that he hath made his aboade in y^e towne of Greenewitch for more then a yeares space, by which he may there (by law) be counted | an Inhabetant;|

And whereas y^e sayd Thomas waters tendreth not bond for securitye to y^e towne to free them from what Charge through his meanes may be brought upon y^e sayd towne,

Although y^e towne Required it of him but he Refused; Therefore according as y^e law of our Collony doth declare, The Councill doe see Cause to warne ye sayd Thomas waters that he doe Remoove himselfe & sayd wife & Child, & to depart out of y^e bounds & libertyes of our sayd towne before y^e 14th day of Aprill nex Ensueing at Sun Sett; And that the sayd Thomas waters is hereby warned by y^e Councill to remoove himselfe, & sayd wife & child, & to depart out of y^e bounds & libertyes of our sayd towne before y^e 14th day of Aprill nex at sun sett./

The abovesayd Order was this day Read in y^e audience of Thomas Waters./⁵⁸

from the Prison in boston may 19 1687 M^r Josepf Ginkes senor M^r John whipel senor gentelmen j do hvmbel beseech|yov|will bee so plased to do me

⁵⁶ *Ibid.*, XV, 217-28.

⁵⁷ *Ibid.*, VIII, 161-62.

⁵⁸ *Ibid.*, VI, 151-52.

that kines to tack sum kar of land|my|land hovsel godes for the good of my Chil by rason of my wif shovld not mack non of them away I do dasir you to kep them til yov do hear from me again by rason I haf asroud suspichon that she will run away and laf the Child be hind her

Thomas waters

This for M^r Jospef Ginkes at Prouidenc Post hast

ffrom the Prison in boston may 27 1687: M^r Filip Long and yovr wif and Children my lof remembered vnto you prayin to god for yovr good wellfar you and all your famely and the of yovr naibers for god, doth know whar I shall se yov any of yov any mor j pray be Kind to my wif for she is a por distressed Cratvr and haf in no frindes bvt |whar| god rais hvr |but| tharfor j pray you jf in kas you yov hear of my mare or know of hvr j pray you help my wif to hvr or any of spring that be long to hvr and sel them for svh mony or pay as may be Conveanant for hur ned I Pray pay that small mator that is dvto me from you to my wif in that maybe for hvr nacari yovs thvs doin yov will obbleg yovr lvfin frind

Thomas weters

ffor Filip Long in dadford deliver with kear⁵⁹

from the prison in boston may 27 1687: Thomas weters my tender and lvfin wif derlo thou hast thou pay for mee with wipin jes and sarofvl harts wich god abof do know wee thare war forst to part at that dolsvm plas abof riton bvt it my prayers for the and my swet bab vpon my benddid nies and to the Lord mosthi I shall for most eaver pray and my swet bab also the Lord prasarf yov both Crist kip yov all so pray for me swet lvf for my protexon and saf arifel kip well my lvf in stor and til sich times it shall plas god to bringe us to gather again jf plas god as that j hop he is I do in tend as sven as j Cvm at that land and diss-posed of I do in tend to send for thee my pravs lvfin wif and my bab all so jf that j Can find it may be for thy good and Cvmfort abellifin hopin to god that wee both may laf of thos Grat and wicked sines wee formorli haf Cvmmitted, the Lord rais the ffrines in this Itack my laf of the my Lv f j aver shall j trvs in god remain thy Lvfin hvsband wilt j haf brath to dro adu my prashvs Chais

Thomas weters

An weters

I Pray kep this Later until you do heare from mee a Gain

[Verso]

ffor Thomas waters in Providens deliver with kare⁶⁰

The Examination of Anne Waters the 8th day of Agust 1687

Jt being demanded of Anne Waters how shee Came out of England shee answered that M^r Bonner brought her out of England a servant

It being demanded of her who she served her time with all shee answered with M^r Rugles she served 4 yeares & a halfe with him in Boston; Jt being then

⁵⁹ *Ibid.*, XVII, 87-88.

⁶⁰ *Ibid.*, 88-89.

demanded of her where she lived all y^e Rest of her time since she was out of her time; she answered at Boston, until she went to Greenewitch;

It being demanded of her how long shee was at Greenewitch, she answrd about 3 weekes, & then went to Boston againe & there Remained untill she came to Providence,

Jt being demanded of her how long it was since shee was out of hertime she Answered about 9 or 10 yeares. . . .⁶¹

At A Towne meeting Agust y^e 10th. 1687 Whereas there is a woman Anne Waters by name who with her Child is sent to Our towne from Boston, But y^e towne apprehending shee & her Child belongeth not to Our townes Care; Doe therefore Order & appoynt Thomas Olney to Repare unto Boston & there to emprove his Excellency on the towns behalfe that so matters as to the Orderly settling of y^e sayd woman & Child may be Considered; as also to treat any person or persons who shall any wayes Endeavour to impose them upon Our towne, & to Endeavour to period all matters as to y^e premises betweene our towne & any Other their opositts oppositts, if so it may be; And that what writeing or Request is made to his Excellency shall be signed by y^e sayd Tho: Olney on the townes behalfe,

Whereas there is som[e] monies in the hand of Tho: Olney which was Contributed by some of our Neighbours when he went last to Boston on y^e townes account, Jt is now by the towne ordred, with y^e Consent & approbation of severall of y^e Contributors That y^e sayd Thomas Olney shall make use of y^e sayd Monye to beare his Charges in his now journey on y^e townes account to Boston & y^e towne in Gennerall to be accountable for y^e same, as also for what monie is Now Contributed, & other Charge disbursed in order to his sayd journey.⁶²

September y^e 5th. 1687 the towne meeting. Whereas there is in our towne one Anne Waters the wife of one thomas Waters (lately | by the authority | Condemned for felony; But in favour of life | was | Transported;) And the said Anne Waters with her young child Tho: Waters being in a very poore Condition, & Except Care be on them taken likely to perrish; Jt is therefore ordred by our towne now at this our presant meeting, That Thomas Olney, John Whipple & William Haukins jun^r: shall on the townes behalfe agree with some person to take y^e sayd young Child; & to see to y^e putting of it out until it be twenty & one yeares of Age; And to levie a Rate upon y^e inhabetants of this towne both for what must be disbursed with y^e sayd Childd unto y^e party takeing it, (according as they with him shall agree,) as also to make a levie upon y^e said inhabetants to pay for the makeing of y^e Pound, And also for other things for which y^e towne hath ocation for mony; And the sayd three persons shall have Reosanable satisfaction for their paines⁶³

⁶¹ *Ibid.*, XVII, 91-92.

⁶² *Ibid.*, VIII, 172-73.

⁶³ *Ibid.*, pp. 173-74.

By His Excellency./ [E. Andros]

Whereas I have received Information That in the Towne of Providence with-
in his Mat^{ties} Territory and Dominion of New England There is a Small Percell
of Land and goods | valued att about nine pounds. | w^{ch}: were belonging to one
Thomas Waters Late of the said Towne; who was Condemned for ffelony And
Therevpon In favour of Life transported And that hee hath Left a wife and one
Child in the said Towne in a very poore Condition These are Therefore to Au-
thorize and Impowere y^e Justices of the Peace and Select men of the said Towne
to take an Inventory Or account of the said Lands and goods and to dispose of
the same towards the Reliefe and maintenanc[] of the said Woman and Child
Or for their Transportacon to her said Husband if shee Desires the Same And
for soe doing this shall be their Warrant Dated att Boston the 20th Day of
October 1687. . . .⁶⁴

October 31 1687

Here followeth y^e list of a Rate made & Proportioned upon the inhabetants
of y^e towne of Providence for y^e payeing of Joseph woodward for takeing &
bringing up y^e Child of Thomas Waters & to pay for y^e pound & other things.⁶⁵
[List of rates omitted here]

At a Quarter meeteing Aprill y^e 27th: 1696:

Whereas Anne Waters is fallen into such a Condition that the [] is put upon
it to take the Care for her livelyhood, shee being destet[] of a being & of all
Reliefe

The Towne havinge agreed with [] Jenckes Sen^r. to take her into his service
for one yeare fro[] day, & one this Condition to find her with meate drinke &
Co[] apparill duering sd yeare, & at y^e yeares End to sett her [] for good Re-
pare in apparrill as he now receiveth her, & in Case he[] master doe apprehend
that shee y^e sd Anne Waters doe deser[] may Earne more then is promised, he
hath declared that he shall allow it her.⁶⁶

At a meeting of the Councill March the 19th: 169⁹₇₀₀ |Voated| Whereas the
Towne Councill formerly did agree & bargain with Gideon Cruffurd that hee
should have a Certaine percell of land of about eleven acres lieing in this Towne
of Providence, & for the same the said Gidean Cruffurd havinge this day paid
into the Councills hands the sum of five pounds in silver money, the Councill doe
therefore Order that tho: Olney who is now Clerke of the Councill doe on the
Councills behalfe & in their name make & signe a deede of the said land unto the
said Gideon Cruffurd to hold the said land by; the which percell of land formerly
belonged to one thomas Waters (a Tinker;

the which five pounds of money is Comitted into tho: Olney Clerk of the
Councill his Custody to keepe, /till further order⁶⁷

⁶⁴ *Ibid.*, XVII, 103-4.

⁶⁶ *Ibid.*, XI, 24.

⁶⁵ *Ibid.*, p. 106.

⁶⁷ *Ibid.*, X, 53.

At a meeting of the Councill July the 9th: 1703:

Whereas there was formerly some moneys which was by the Towne Councill Received of Gideon Crufford for and as payment for land in our towne of Providence, which did belong unto Thomas Waters, a Tinkor which formerly was Resident in said Towne; the which mony was by the said Councill Comitted unto Thomas Olney, being one of y^e Councill) his Custody, untill further Order,

And whereas Anne waters widdow to the said Thomas waters is now fallen into wast & likely to be the townes Carge, the Councill doe now Order the said Thomas Olney to deliver the said money (all of which he so received, which as by sd Councill [was] Comitted to his Custody; into the hands of Pardon Tillinghast of sd Providence Towne Treasurer, there to remaine for the Reliefe of said Anne waters from time |to time| as occation Requires,

In delivering of sd money as aforesd shall be the said Thomas Olney his | full | discharge. |

The aforesaid monies so Comitted as aforesaid is the just sum of five Pounds: /⁶⁸

To John olney towne Sarjeant thes are to Require you in her majestys name anne ouer England queene &c to giue ntic to all y^e free men in the township of providen|c| to mete together on the 27th of this instant july at the hows of John whipples about teen a Clock in the foure nune it being the towns quarter day & allso to Chues three well quolified men to leuie our towns part of the fiae hundered pou|n|ds Rate leuied on the Collony & allso to take Care of anne waters ther being (great Cmplaint made Consaring her & to doe any other buisness as may be for the benifit of this towne her of faile youe not⁶⁹

|the Towne is againe met| ffebruarye the 17th, 170³₄ Whereas there was a

Woman (one Anne Waters) who fell to be the Care & Charge of this Towne who was by the Majestrats belonging to the Towne put into the Custody of George Keetch & his wife to take the Care Concerning her for her Reliefe & tendance; who was for Considerable time in their hands But weakeness growing on upon s^d woman by Reason of a distemper which had long time accompanied her the which brought her to her End & shee died January the 22nd: 170³₄;

And after her death the said George bring in an account to the Towne upon the 27th of January last of what things were belonging to the s^d Anne Waters And demanded of the Towne satisfaction as to what he was unpaid for his paines & trouble the which he had been at Concerning the sd woman; The Towne & the sd George then came to an Agreement, that besides what he the said George Keetch had from time to time Received by the Majestrats Order to answee him as Concerning the afaire of the sd woman; that he should take & have all the sd Apparill & other things what so ever w^{ch} were belonging to the sd Anne Waters, in what specia so ever it might be found; The sd George Keetch hath declared himselfe to be fully satisfied Contented & Paid therewith, as to all matters Re-

⁶⁸ *Ibid.*, p. 73.

⁶⁹ *Ibid.*, XVII, 185.

lating to sd woman Anne Waters, both as whas in her life, after her de|a|th & at her buriall; Hath fully discharged the Towne of |& from| all manner of debts, dues & demands Concerning the same,⁷⁰

7. EDWARD LONDON

At a quarter meeeting Januarey y^e 27th: 169²₃ Edward London hath this day proposed & desired of y^e towne to take care of him for his Reliefe for that he is growne so decripp'd & disabled that he is incapable to Relieve himselfe | . . .

Whereas Edward London, | by reason of imbercillity & decripp'dnes | is fallen to the townes care for Reliefe, & whereas the towne by their free voate have Comitted the matter into y^e hands of y^e towne Councill to order for his maintenance & Relife & doe by this presant act Comitt full Power to the towne Councill to assess & levey a Rate upon the inhabitants of this towne of Providence for the Relife of y^e said Poore (to witt) y^e said Edward London & to see & provide a place for his abode, & what the said Council shall act & doe as y^e premises shall be as authentick to all intents & purposes as if the towne had been the actual doers thereof.⁷¹

To y^e Towne Mett I desier the towne to take speedy care to provide some place or being for Edward London: for he is a poore and decrepit man: which by law care ought to be taken for

Thomas ffield

March y^e 6th 92 or 93⁷²

The Councill is againe in being March y^e 21: 169²₃ The Councill have agreed with George Keetch to take Edward London into his Care & keepeing from this day until y^e last day of September next Ensueing to find the said Ed: London sufficiently with meat, drinke washing & Lodgeing, & for the said George Keetch to be allowed for the same fifty shillings in Currant pay at money price, but in Case y^e said London doe fall into some more then ordinarey Condition as with respect to sicknes then for y^e said Keetch to be further Considered, & that the said George to have what bennefitt he may receive by y^e said Londons Labour in what he may Comfortably doe, the said Keorg Keetch hath agreed with y^e Councill as to y^e premises.

Whereas there is a Rate agreed upon to be levied upon| the towne for the use of |Ed: London for his Reliefe, the Councill doe order that the majestrates grant forth warrant to cause | all | the inhabetants of this towne to have notice to bring in in writing to some or other of the Councill an account of each their Rateable estates betweene this day & y^e 17th day of Aprill next ensueing⁷³

At a Towne meeeting September y^e 19th: 1693 Whereas this Towne of Providence did upon the 6th day of March last at Their Towne Meeteing order the

⁷⁰ *Ibid.*, XI, 83-84.

⁷² *Ibid.*, XVII, 143.

⁷¹ *Ibid.*, XI, 2-3.

⁷³ *Ibid.*, ¹X, 7-8.

Towne Councill to take Care of Edward London to provide a place for him & to Levie a Rate upon the inhabitants of y^e Towne for y^e sd London his Reliefe: the w^{ch} the Councill have performed, And have this day given an account thereof to the Towne, And the Time which the said Councill agreed for y^e said London his Keepeing is almost Expired therefore the Councill the Councill doe therefore | now | signifie the same unto y^e Towne that the Towne may take Care of y^e sd London for his further supply the Councill being now unconcerned with y^e sd London⁷⁴

At a quarter meeeting Januarey y^e 27th. 169³₄

Whereas George Keech hath this day given in an account unto y^e towne Concerning Edward London who was by y^e Towne unto him putt to Keepe; that y^e said London dyed upon y^e 2nd day of Januarey 169³₄, the sayd Keech demanding of y^e Towne the sum of 6^{lb} & 2^s which yet they are indebted unto him for Keeping y^e sd London, as (he sayth) the sayd Keech also haveing Given in a bill of perticulars of what belongs to y^e towne & as they are by the prizers apprised amounts 2^{lb}—1^s 4^d

The towne doe order that the Rate made for the Reliefe of Ed: London shall be gathered up & delivered into y^e Treasury, & the treasurer make upp y^e s^d accounts with George Keech & discharge w^t is due./⁷⁵

8. SARAH MIDLE CUT

Tuesday y^e last | day | of Januarey 169²₃ the Councill is againe in being by adjournment from y^e 17th instant John malavery this day appeared before the Councill, & it was demanded of him where that child was borne | which | is at his house which he said he had taken to Nurse, he said it was borne at his house, & that is was borne some time in Agust last & that the child is a girle;

It being demanded of him who is the mother of that child his answer is one Sarah Midlecutt a woman that belongs to Boston & that shee never was married;

It being demanded of him where the mother of the said Child now is, his answer is that shee is at Boston; & that he carried her from his house thither;

It being demanded of him who the said Sarah Midlecutt layd the said child unto to be the father of it; his answer is shee layd it to one Charles Arnold an old English Gentleman;

It being demanded of him how he came by the knowledge of that woman | Sarah Midlecutt | he answers Joseph Cowells wife informed him Concerning her, shee sent for him to Boston, & there he made a bargaine concerning y^e said Sarah midlecut, & so hee then brought the woman from Boston to his house./

It being demanded of John Malavery what women were with the aforesaid

⁷⁴ *Ibid.*, XI, 6.

⁷⁵ *Ibid.*, p. 8.

Sarah Midlecutt in he travill when y^e aforesd child was borne, his ans: is no woman but his wife & daughter Phillipps;

Whereas John malavery at presant cannot find any person to be bound for the Towns Securitey against the charges which may arise by the aforesaid Child, but desires time for about one month to procure bond, the Councill doe allow him so much time to procure bond as untill the first Tuesday march next⁷⁶

Tuesday march y^e 7th 169²/₃ the Councill meeteing is againe in being

Whereas John Malavery at the last sitting of y^e Councill desired liberty untill this day to find Bondsmen to secure y^e towne from Charge of a child which was borne at his house of one Sarah Midlecut of Boston (as he saith) he hath this day appeared, but with no bonds men; but desires a little longer time that he may goe to Boston & declare that he will bring up y^e mother of y^e Child that shee may owne the said child before one of y^e Majestrates in this towne that so a Record may be made thereof that it may appeare who is the mother of y^e Child & the towne & Councill may be able to give an account concerning y^e sd woman, & that y^e said child by its mother shall be removed away out of y^e sd towne, or sufficient bond be given to y^e towne before y^e Councill to keep y^e towne indemnified as Concerning y^e sd Child⁷⁷

Aprill y^e 27th: 1693 the Councill is againe in being. . . . Ordred that Edward Smith doe as he is a Majestrate warne John Malavery to appeare before the Councill upon the 15th of May Next to Ans: & secure y^e Towne from y^e Charge w^{ch} may accrue concerning a child a stranger borne in his house./ . . .

The Councill |meeteing| is againe in being may the 15th: 1693, by adjournement from y^e 27th: of Aprill last Whereas at y^e sitting of y^e Councill upon y^e 27th day of Aprill last the Councill did order Edward Smith as he was a Majestrat, warne John Malavery to appeare before y^e Councill upon this day, but the said malavery hath not appeared, neither hath the said Ed: Smith appeared to informe the Councill concerning the matter,

therefore the Councill are Constrained to suspend the matter untill the Councill doe meete next:

At a meeting of the Councill the 2nd day of June 1693./

Whereas it playnely appears unto y^e Councill that there was some time in Agust last a woman (being a stranger) delivered of a child at the house of John Malavery of this towne the child yet being at y^e house of y^e said John Malavery, & in his Custody so farr as the Councill doe understand; but as yet where the mother of y^e said child is the Councill Cannot yett Git information, Only as John Malavery in his Examination before the Council declared that the mother of y^e sd Child was one Sarah Midlecut of Boston a woman that never was married,

But the Councill yet Persueing of the matter Endeavouring to find the full trueth of the buisenes; that so it mig|ht| be Certainly knowne whether the

⁷⁶ *Ibid.*, X, 3-4.

⁷⁷ *Ibid.*, pp. 5-6.

mother of y^e child be yet alive, & not secretly made away, or dying secretly buried, And also that securitye may be Given to keepe the towne indemnified as to what charge may arise by Reason of said Child,

the Councill Expected this day that y^e said John Malavery should have appeared before them; But neither one nor other of y^e Majestrates Jssued forth any warrant to Cause him to be brought in, therefore the Councill Can proceede no further in y^e matter untill the sd Malavery be Caused to Come before them./⁷⁸

9. ZACHARY FFIELD

At a meeting of y^e Councill September y^e 12^t: 1693:

Sarah ffield widdow of the deceased Zachariah ffield who, deceased	90
Agust y ^e 12 th : 1693, shee this day appeared before y ^e Councill de-	36
sireing of y ^e Councill a settlem ^t . of her sd deceased husband his	—
Estate; And withall presented an Inventarey of her sd deceased hus-	54
band his Estate	34
	—
	88
	20-3-0
	92-0-0
	112-3-

The aforesaid widdow Sarah ffield before y^e Councill made oath to the Inventary of her sd deceased husband his Estate⁷⁹

At a meeteing of y^e Councill Agust y^e 13th: 1695: Whereas There is a Complaint made unto y^e Councill both by John Thornton junior, & also a Request by his father Joⁿ: Thornton Sen^r informing & desireing of y^e Councill to take Care of y^e Children of y^e deceased Zachary ffield that so they may be bound out unto some good places where they may be well brought up & Educated, that they may not want & so kept employed & be instructed that they may be Capable hereafter to git their livelyhood,

The Councill have taken y^e matter into Consideration, & have discoursed y^e mother of y^e said Children, & ordred her to looke out some good places to put three of her said Children to (to say) y^e 3 Eldest boyes & to doe it betweene this day & y^e next day of our Councill | meeting | & at our next Councill | meeting | to appeare & give them information where & who the persons are, whome shee made choyce of, that if y^e Councill doe allow of y^e places, that y^e sd children may be bound out for a Certaine time./⁸⁰

At a meeting of y^e Councill September y^e 10th: 1695./ Whereas the widdow Sarah ffield should this day have appeared before the Councill to have given them information what places shee hath sought out to place out her children in (according to the Councils order y^e last meeteing but the said Sarah ffield, hath not this day appeared; so that the Councill is Jgnorant what shee hath done

⁷⁸ *Ibid.*, pp. 8, 9, 10.

⁷⁹ *Ibid.*, pp. 10-11.

⁸⁰ *Ibid.*, p. 28.

therein, the Councill have Referred & doe hereby Referr the further proceede in the matter unto our next meeting;⁸¹

Tuesday y^e 17th of September 1695. Sara field widdow hath this day appeared before y^e Councill & hath given them information that shee hath provided places to put out her three Eldest children to service unto; as namely Zachary to Nath: Waterman jun^r John to Nath: Waterman sen^r: & James to Solomon Thornton & to be put forth untill they are 21 yeares of Age;

The Councill doe allow of the places,

Whereas it hath been proposed unto Sarah ffield (widdow) as to y^e binding forth of her 3 children unto those masters which shee hath afore informed y^e Councill shee hath provided; her answere is that shee|can|not be free to bind them out herself but is willing that the Councill should bind them out to them sd Masters & shee doth freely give way thereunto:⁸²

At a meeting of y^e Councill October y^e 8th: 1695: Whereas the Children of y^e Deceased Zachary ffield are now at the Councills despose, & have ordred that 3 of them (to witt) Zachary, Joⁿ & James shall Emediatly be put forth apprentices, the Councill doe therefore Order & appoynt Joseph williams justice of y^e peace & tho: Olney Towne Clarke to act & doe on y^e Councills behalfe as to y^e putting forth y^e sd | 3 | Children & binding | of | them out & w^t y^e sd Joseph Williams & tho: Olney doe act & doe as to y^e premises shall stand good & as athen-tick as if y^e whole Councill was y^e personall actors & performers thereof./⁸³

At a meeting of y^e Councill Januarey y^e 7th: 169⁵/₆ Whereas Sarah field widdow, is (as the Councill is informed) about to change her Condition by way of Marriage; & whereas her Brother John Thornton being impowered by y^e Council to Administer upon the deceased Zachary ffield his Estate, as well as y^e sd widdow; & whereas y^e sd Joⁿ Thornton hath desired of y^e Councill that they would take some Course that what is of y^e Zach: ffield deceased his Estate may be secured (that if any be after debts payd remaining) may be for y^e Reliefe of y^e Children;

The Councill have Considered the matter & doe order that the said Widdow doe upon the day of the Councills meeting in ffebruarey Next give up an account of her Administration on her deceased husband Zach: ffield his Estate; how shee hath deposed thereof & acted therein & what of y^e Estate is yet Remaining: & Also that y^e said John Thornton doe give up an account the same day of what he hath Administred

And also that y^e sd Joⁿ: Thornton doe looke after & to find out Convenient places to put out y^e sd Zach: ffield his children & at y^e Councills meeteing in ffebruarey next to make reporte thereof that the sayd Children may by y^e Councill be bound out:/⁸⁴

At a Meeting of y^e Councill ffebruarey y^e 4th: 169⁵/₆./ Whereas the Widdow Sarah ffield the Widdow of Zachary ffield (deceased) was together with John Thornton

⁸¹ *Ibid.*, p. 29.

⁸² *Ibid.*, p. 30.

⁸³ *Ibid.*, pp. 31-32.

⁸⁴ *Ibid.*, pp. 32-33.

jun^r: by y^e Councill put in Administrator upon y^e Estate of Zachary ffield aforesd: & Whereas it appeares that y^e sd Estate is by y^e sayd Sarah ffield wasted; & not so unproved as it ought & might have been

The Councill haveing at their last Meeteing ordred y^t y^e said Sarah ffield should this day have appeared before y^e Councill & have given up an account of her Administratorshipp to y^e Councill, but hath not this day appeared but appears Refrectery in her actings;

The Councill doe therefore Order that John Thornton jun^r doe take the whole administration of y^e sd Estate upon him & into his handes & to take an Inven-tarey of what of y^e sd Estate is yet left, & Remaineing & to give up his account from time to time unto y^e Councill of his actings therein & also to take Care of y^e sd Zachary ffields | children | to find places to put them out to service unto & the next Councill meeteing day the said John thornton to appeare before the Councill & informe them how he hath proceeded in y^e Matter;

And the widdow Sarah ffield is wholly suspended as to her Administratorshipp as to y^e s^d Estate./ & that y^e sd John Thornton be allowed to be payd out of y^e sd Estate for his Care & paynes; therein.

Wheras there is a person one John Gurney by Name who belongs not unto our Towne yet is here come in & at present makes Residence here, but hath nought to maintaine him or supply his wants, & whereas he is as others are liable to fall into a Condition of Siknes, lamenes, or other wise as wants may accrew, & the sd person not belonging to our Towne;

The Councill doe Consider the trust in them Reposed, doe by these presents order that the said John Gurney doe betweene this day & the 14th day of this instant depart out of y^e jurisdiction of this Towne other wise to be delt withall according as y^e law in such Cases Requires, & that one of y^e Constables by war-rant from a Majestrate doe warne him thereunto:/

It is ordred by y^e Councill that Daniell ffield Son of y^e deceased Zachry ffield be put an apprentice unto Nicholas Sheldon of this Towne of Providence untill he come to be of y^e age of 21 yeares;

The Towne Councill have agreed with y^e sd Nicholas Sheldon to take y^e sd Daniel ffield an apprentice & with the said ladd the said Nicholas Sheldon to have 50^s paid out of y^e sd Zach: ffield his Estate; & the sd Nicolas Sheldon hath agreed dureing y^e sd terme to allow the sd ladd sufficient meat drinke lodg-ing & apparrill & to practice & instruct him in y^e art & mistrey of a Tanner so farr as y^e sd lad may learne y^e sd trade & to learne sd ladd to Reade & Rite & at y^e End of y^e terme to set y^e lad free. & allow him two sufficient suits of apparrill;

& the Councill doe order John thornton jun^r forthwith to deliver sd ladd to sd Nicolas Sheldon but in Case of obstruction of or by sd ladds mother or others the Constable then by warrant from a Majestrate to take y^e sd ladd & deliver him to sd Sheldon; & that y^e Endentures by y^e Clarke be drawne by y^e next Councill day & y^e ladd then to be bound.⁸⁵

⁸⁵ *Ibid.*, pp. 33-35.

At a meeting of y^e Councill march the 31: 1696: Whereas the Councill some time since past an order Concerning the remooval of one John Gurney | a person vagrant | a stranger & hath been by y^e Constable Carried & set out of our Towne but as wee doe understand the sd Gurney is againe Returned into our Towne

There fore y^e Councill doe order that the said Gurney be de|a|lt withall & proceeded against according as the law Expreseth in such cases; & the Councill doe detirmine that the said John Gurney shall by warrant from a majestrate, be apprehended & shall pay 5^{lb} in money, or Else be Whipt upon his Naked Body with 12 stripes & be by the Constable Emediatly after y^e Execution or payment Remooved out of y^e Towne.⁸⁶

At a Councill meeting July y^e 16th 1700: Whereas there is a complaynt made to the Councill by John thornton that the two sones of the deceased Zachary ffield who are at home with their mother (to witt) Daniel & Joseph are likely to Come to Ruin Except the Councill take some Cource to put them out to masters where they may be well tutored & provided for;

the Councill doe therefore Order that the said Two ladds shall be put out apprentices untill they Come to be of 21 yeares of Age & to be bound out by the Councill;

And y^t the sd John Thornton doe seeke after masters to put them to; & when he hath found persons to take them | then | to make Report thereof to the Councill;⁸⁷

At a Councill Meeteing Aprill y^e 30th 1714 Joseph ffield of providence presented his deceased mother her will & Testament, and also on Jnventary of her Estate for their Examination; the which were both Examinid & allowed: The Record of sd will is as followeth,

Jn the name of God Amen; I Sarah Gurney being weake of Body yet by the blessing of God of sound and perfit sence and memory, and I knowing that all People are subject to Mortalitye. and not kn|o|wing how soone it may please Good to Remove me out of this life, I make this my last will hereby makeing voyd all former wills and this only to stand in force as my last Will and Testament; first I bequeath my spirit to God that gave it me, and my body to the Earth to be decently buiried at the discession of my Executor here after named;

2^d I Give my loveing son Zachariah ffield five shillings to be paid by my Executor in one year after my decease,

3^d I Give to my Loving son John ffield five shillings to be paid by my Executor in on year after my decease.

4th I Give to my loving son James ffield five shillings to be paid by my Executor after my decease, if he live to come home

5th I Give to my loveing son Daniell ffield five shillings to be paid by my Executor in one year after my decease,

⁸⁶ *Ibid.*, pp. 37-38.

⁸⁷ *Ibid.*, pp. 53-54.

6th I Give to my loveing daughter Sarah field all my brass and Pewter & Iron vessels, and Bedding and other vtensells for house keepeing.

7th I order and appoynt my Loving son Joseph field my Executor to Execute this my last will & Testament to to whome I Give all my Cattell sh|e|pe & swine & working Tooles, they being the product of his Care & dilligence And in Confirmation of this my last Will & Testament I have hereunto set my hand & seale this last day of March in the yeare of our Lord 1714 and thirteenth yeare of the Reign of our sovereign Lady Anne by the Grace of God Queene of Great Brittan; Signed and sealed & declared to be her last will & Testament in the presence, of

John × Gurney his mark Sarah × Gurney her mark [other signatures omitted]

Aprill the last day 1714 John Gurney the husband of the above named Sarah Gurney personally appeared before the Towne Councill of Providence, and declared that he was present at his wives makeing the above written will, and gave his Consent thereunto; And did also further declare before said Councill that he was freely willing the said Estate should be disposed of according to said will;

As Attests P^r Richard Waterman, Assistant;

Recorded may y^e 1st, 1714: Per Tho: Olney; Clerk./

Here followeth the Record of the Jnventary of the Estate of the deceased Sarah Gurney:

An Jnventary of the Estate of Sarah Gurney who departed this life the sixteenth day of Aprill one Thousand seven hundred and fourteene.

Imprimis

[Inventory omitted]

Sum Totall Errors Excepted 61-15-00

A Faire Jnventary of the Estate of Sarah Gurney according to the best of our vnderstanding taken this last day of Aprill 1714; by us the above written Jnventary was Examined by the Towne Councill of Providence Aprill the 30th 1714:

Josiah Thornton

The mark × of John Gurney

Whereas Sarah Gurney of the Towne of Providence in the Colony of Roade Jsland & Providence plantations in New England departed this life the sixteenth day of Aprill in the yeare one Thousand seven hundred and fourteene, And by her last will and Testament beareing date the last day of March in the yeare one Thousand seven hundred and fourteene; And the Said Sarah Gurney (the mother of you Joseph field of said Towne of Providence) haveing by her said last will and Testament ordained and appoynted you the said Joseph | field | (her son) to be her Executor to Execute the said Will and Testament, and and you haveing accepted the same; And you haveing Given bond for the true and legall Executeing of said will in your | legall | and just administration thereon; wee Thomas ffenner Assistant and Richard waterman Assistant together with all

the Rest of the now Towne Councill of said Towne of Providence do now by these presents, on her majestys behalfe, so far forth as the law doth us impower, Comitt unto you the said Joseph ffield the full Power of Administration on the Estate of your said deceased Mother Sarah Gurney on the same to Administer, act do & Execute and legally in all poynts to performe according as the law doth Require an Executor to do.

Dated Aprill y^e 30th, 1714./ By order of y^e Councill and on their behalfe, Tho: Olney Clerk;⁸⁸

10. MARY ALDRICH (ALDRIDGE)

The Councill is againe in being by adjournement from y^e 3^d instant, now july the 13th: 1705; being friday; Whereas Ephraim Aldridge of this Towne of Providence hath this day declared unto the Councill that his Brother Joseph Aldridge (who is Now deceased) & he the sd Ephraim Aldridge did in the day of his Brother make an Agreement Each with the other that he the said Ephraim Aldridge should take the Care of their Mother Patience Aldridge & her to Provide for & maintaine during the whole terme of her Naturall life, the which said agreement was Written, & by his sd Brother & himselfe subscribed, & witnesses thereunto subscribed; The which written Agreement was by his sd Brother & himselfe Comitted into the hands of John Hawkings of Wyunkeake for Custody; And to give further asuerance for the Maintenance of his sd mother for & dueiring the whole term of her naturall life, the sd Ephraim Aldridge hath this day, (of his owne free will given in bond to the Councill; yet Notwithstanding,) for as much as his said Brother Joseph Aldridge did in his life time give bond to the Councill for his sd Mothers maintainance the Councill doe not see Cause to Reverse the bond given by sd Joseph Aldridge, but that it may also Remain in force, & take place as Ocation my Require;

Whereas Joseph Aldridge of the Towne of Providence in the Colloney of Rhode Island & Providence Plantations in New England; departed this life on the 24th day of Aprill Anno: 1705, And leaveing a written Will behind him beareing date the first day of May 1704, wherein it is Exprest how he disposeth of his Estate;

first he gives unto Mary his wife the Vse of all his lands & Moveables then in his present possession, and after the decease of his Mother Patience Aldridge to be in her Present together with all his household goods, debts, & Moveable Effects duireing her Naturall life, Provided Shee pay all Debts;

The Councill haveing this day Examined the sd will, & finding that there is a bond formerly made & given by the sd Joseph Aldridge which lieth against the sd Estate to secure the sd Towne of Providence from all Trouble & Charge as to the Maintenance of his said Mother Patience Aldridge; And the sd Patience Aldridge being left by the sd Joseph Aldridge in the care & Custody of his Brother Ephraim Aldridge, together with What Moveable Estate was his ffath-

⁸⁸ *Ibid.*, VII, 166-70.

ers; & the land & Orchard to be in his sd Brother his lands for a certaine time to have the vse of the same; the Councill doe now by this act Order & declare, that for as much as the sd Ephraim Aldridge hath his sd Mother Patience Aldridge in his Care & Custody for the terme of her Naturall life, her to Keep & maintaine with all things Conveinent & needefull in all Conditions which shee may fall into; & to Keepe the sd Towne of Providence cleare from all Trouble & Charge as Concerning the Maintenance of his sd Mother at all times:

That the sd Ephraim Aldridge shall have for to be his owne Proper Estate, all & whole that Moveable Estate which formerly belonged to his ffather, which now are in his hands, both goods, & those Cattell which are & be;

And shall|have|the vse & Proffitts of all those lands and Orchard which formerly belonged unto his ffather untill his brother Joseph his son unto whome sd land is by bill given attaine to the age of Twenty & one yeares: And whereas the Executor in sd will Nominated is a child & wholly vncapable to Execute the sd Will, & his Mother (widdow of the sd Joseph Aldridge) being also incapable of Administration; Shee not being well Composed in her mind; The Councill doe Comitt the Administration of sd Estate unto Samuell Aldridge of sd Providence, Brother of sd Joseph Aldridge, on the same to Administer & with all Persons to make up accounts; to receive debts due to the deceased, & to pay his Debts according as the law Requires.

And to take the Wardshipp of the land, by will Devised & disposed the Proffitts thereof as the law in such cases Requires: The which sd will of sd Joseph Aldridge (deceased) the Council haveing Examined & doe approvee; only Excepting the afores^d Order as to the goods, & time of the sd land to Ephraim Aldridge; & the Wardshipp to sd Samuell Aldridge as it is Above Exprest;

Whereas Samuell Aldridge hath this day given in bond to the Councill for his faithfull performeing of Administration on the Estate of his deceased brother Joseph Aldridge, the Towne Councill do order & now appoynt Tho: Olney who is clerk of the Councill, on the Councills behalfe to signe & seale a letter of Administration unto the said Samuell Aldridge; the which was this day done & performed, accordingly, & in the presence of the Councill delivered to the sd Samuell Aldridge;⁸⁹

Here followeth the Record of the last will &|Testament|of Joseph Aldridge of the Towne of Providence who died Aprill y^e 24: 1705: Know all Cristal People by these presents, That I Joseph Aldridge inhabetant of the Towne of Providence|&|in the Colloney of Rhode Island & Providence plantation in America being very sick & weake in bedd but of perfect Mind & Memory, thanks be given to God therefore, Calling to mind the Mortallitye of my body, & knowing it is appoynted for all men once to dye, doe make & ordaine this my last will & Testament; That is to say, first of all I Give & bequeath to Mary my deare beloved wife the vse of all my lands & Moveables now in my present Possession; &

⁸⁹ *Early Records of the Town of Providence*, X, 83-85.

after the decease of my loveing Mother Patience Aldridge, all the land that I had of my ffather to be in her presant together, with all My household goods debts & moveable Effects duiring her naturall life; Provided shee pay all debts & as perticularly one debt to Nathaniell Waterman, which is to be paid at fall of the yeare next after y^e date hereof; And Secondly I give to My welbeloved son Joseph Aldridge, whome I likewise Constitute, make & ordaine my sole Executor of this My last Will & Testament all & singular my lands that was my ffathers after the decease of my loveing Wife & Mother, & Tenn acres of the other ffarme of the North Side of that I now dwell on, all to be Wood & Timbred land, to him his heirs, Executors, & Administrators & Assignes freely & Clearly & absolutely forever & ever; And thirdly, I give to my youngest Son Elias Aldridge my homestead place to him his heirs Excutors, Administrators & Assignes forever & ever; And fourthly I order it thus, that these two sons Joseph & Elias Shall pay or Cause to be payed to my welbeloved daughter Sarah Aldridge Six pound when they shall Come to injoy their aforesd lands; And I doe hereby vtterly disalow, Revoke & disanull all & every other former Testament, Wills, Legacyes, bequests, & Executors by me in any wayes before Named, Willed & bequeathed; Rattifieing & Confirmeing this & no other to be My last Will & Testament; Jn Wittnes hereof I have set my hand & Seale this first day of May 1704./ Signed, Sealed, published Pronounced declared by the sd Joseph Aldridge as his last will & Testament [Signatures omitted.] . . .

Here followeth the Record of the Jnventarey of the Estate of the deceased Joseph Aldridge who died the 24th of Aprill 1705./

[Items of inventory are omitted here.]

The above Written is a true & just aprisall of all the Estate that was brought to our vew, according to the best of our vnderstanding, as wittnes our hands this 26th of Aprill 1705 [Signatures omitted.]

This 12th day of June 1705, John Steere jun^r: & Edward Hawkings jun^r: who made this Jnventarey Contained in this sheete of Paper both Personally appeared before the majestrates & Councill & made oath to the aforesd Jnventarey.

Here ffolloweth the Record of the letter of Administration by the Councill given to Sam^l: Aldridge to Administer on the Estate of his deceased Brother Joseph Aldridge.

Whereas Joseph Aldridge of the Towne of Providence in the Colloney of Rhode Jsland & Providence Plantations, in the Narragansett Bay in New England departed this life upon the 24th day of Aprill 1705, and the sd Joseph Aldridge haveing left a written will wherein he hath disposed of his Estate, & in sd Will hath nominated & appoynted an Executor, but the Executor so nominated, & appoynted, being a child & thereby Wholy vncapab|le| to Execute the sd Will according as the law Requires; And his Mother (the widdow of the sd deceased Joseph Aldridge) being also vncapable of Administration, by Reason of insanetye of mind; And there being a necessetye for Care to be taken of sd

Estate; And Samuëll Aldridge of sd Towne of Providence, Brother unto the said deceased Joseph Aldridge considering the desolate Estate of his Brothers widdow & Children they being altogether helpeless, hath manifested himselfe to be free & willing to take Administration on sd Estate & with the same to act & doe according to the best of his Capacitie & Abillitye as to a legall Administration thereon, as matters Concerning the sd Estate are Circumstanced; Therefore wee the Now Towne Councill of sd Providence (so farr forth as the law doth Comitt Power unto us) wee doe hereby Comitt unto you the aforesaid Samuëll Aldridge the full Power of Administration on the Estate of the aforesaid deceased Joseph Aldridge, both as to Moveable Estate & to the wardshipp of his lands; The same to take into your Care & Custodye, & therewith to act & doe in your Administration according as the law in such Cases Directs; And from time to time to Render an account of your Administration thereon unto the Towne Councill of sd Providence, or Ordinarey when of you Required.

Dated July y^e 13th: 1705: By Order of the Councill, & on their behalfe⁹⁰

[*April, 1710.*] To you James Dexter Deputy Sherif for This Town of prouidence Jn Her majesties Colony of Road Jsland Jn new england These Are Jn Her said majesties name Anne Queene of England &c to Requier|you|to warne the Town Councill of said prouidence to meet to geather on the —27—th day of this Jnstant Aprill which will be thursday next at the House of Annah Turpains in prouidence by —9— of the Clock in the forenoon on said day then and there to Conider of sum proper and efecttuall way for the placeing of mary Aldrich widdow to the Late deseased Joseph Aldrich junor: william Steere is not willing to entertaine the said mary Aldrich no lounger than the —27— day of this Jnstant April Hereof faile you not Giuen under my Hand and Seal Jn prouidence this —24— day of April—1710

Tho: ffenner Assistant⁹¹

December in the yeare 1713./ The Received by me the subscriber by order from Sam^{ll}: Aldrich the due Sum of foure Pounds in Current money, for the vse of the widdow Mary Aldrich, and the said money wa paid by me to John King in the abovesaid Month towards the keepeing the said widdow Aldrich, I being ordered thereunto.

James Dexter oversser of the Poore./⁹²

January, 17¹⁶₁₇ [*A Quarter meeting*]. An Account deliuored by m^r James Dexter one of the ouer seers of the Poore due To John King weauor for Keepeing

	£	s	d
Mary Aldrich two year & 2 months	20	12	06
due To William Lawrance for Keeping Mary Aldrich one yeare	08	15	00 ⁹³

All a meeteing of the Committee Chosen to make vp the accounts with the Towne

⁹⁰ *Ibid.*, VII, 209-14.

⁹² *Ibid.*, IX, 6.

⁹¹ *Ibid.*, XVII, 268-69.

⁹³ *Ibid.*, XVII, 291.

Treasurer and also to audet the Townes debts this 23^d day of may Anno Dom: 1720: And to Inspect into such accounts as shall be brought before them: And there vpon to allow of such accounts as to them shall seeme Legal: and draw a List of the same to be a Rule for the Treasurer to pay out the money by—

Charges vpon { due to William Lawrance for keepeing of Mary Aldrich £ s
Mary Aldrich { two yeares Come the 9th day of December next⁹⁴ 18 00

December y^e: 3^d 1720: It being saterday the Councill is againe In being— Benjamin Keech appeared before this Councill and promised and Ingaged to the Town Councill that he woud take Mary Aldrich widdow of Joseph Aldrich deceased and Prouide for her sufficient meate drink apparill washing and Lodging and all other things nessasary for the space of four years next Comeing prouiding that shee is not viseted with no Extriordinary sickness nor Lameness Within the said term: Always prouided that he the said Benjamin Keech shall and may possess the Lands and tenements that he hath: hired and hath a: Lease of from Joseph Aldrich now suruiveing: dureing the s^d term: Jntending only the Lands that the s^d Joseph Aldrich deceased: dyed possessed of and that which was the homestead of Joseph Aldrich father of the s^d Joseph Aldrich: deceased:

The which is Granted vnto the s^d Benjamin Keech prouided he preforms his part according to what is aboue written: And there vpon haue Chosen m^r James King and m^r Joshua Winsor as trustees to ouer see that the s^d Keech preforms his duty there in and that Jf the s^d woman be sick or Lane within the s^d Term so that the s^d Keech is put to any more than ordinary Charge: there by then the s^d King and s^d Winsor shall adjudg what y^e s^d Keech shall be allowed for such Charge ouer and aboue the vse of s^d Lands and tenements:—: which he shall haue out of the Towns treasury:—

And the s^d Benjamin Keech doth further Jngage that upon default of his performance of his part and promise here in that he will then vpon such default Resign and deliuer vp possession of all and Euary part of the aboue mentioned Land and tenements: vnto the s^d Town Councill or there successors in s^d office⁹⁵

[Signatures omitted]

March y^e 10th 1721/2 It being saterday the Councill is againe in being: And it is further ordered and Jnacted that the widdow Sarah Lawrance shall haue six shillings payed her out of the Townes Treasury for the Charge shee was att in keepeing of Mary Aldrich ouer and aboue the term the ouer seers of the poore had agreed for her keepeing⁹⁶

December y^e 21st 1724: It being munday y^e Councill is a gaine in being: Voated that Benjamin Keech shall haue the Care and prouide for the widdow Mary Aldrich Vntill further order: and that: he shall haue full satisfaction for his Charge and trouble there in: out of the Towns Treasurrey: : Except he hath the Lands and tennements that he hath bin possest with for the defraying that Charge: for sum time that he shall be willing to Cumplye with—⁹⁷

⁹⁴ *Ibid.*, XIII, 43.

⁹⁶ *Ibid.*, p. 32.

⁹⁵ *Ibid.*, XII, 23-24.

⁹⁷ *Ibid.*, p. 84.

11. JOHN DALIE

Att A Towne Councill held att Providence January y^e 3^d anno Dom 1717/8 ordered that Joseph Dalie shall pay 12^s—6^d and Morris Broock: 11^s—6^d—: vnto John Rhoades for the Keepeing of there father John Dalie the six Last weekes past Cum the next Sabath day and from that time forward the s^d John Rhoades shall haue fiue shillings per weeke vntil sum time in march next vntil the Councill takes sum further order for the Releiff of the said John Dalie: The Councill is adjorned to the seacond munday in march next and then to be held att y^e house of sarjant Turpins.⁹⁸

Att A Towne Councill Held Att Providence y^e 10th day of february: anno Dom: 1717/8: Said John Dailies Releiff shall Continue to be paid by his Children vntill sum further order be taken⁹⁹

Att A Towne Councill held att Providence this 28th day of Aprill 1718: The Councill is adjorned to saterday y^e 10th of may next in order to take Care for the Releif of John Dalie and Joseph Dalie his son doth oblige him self in the sum of ten pounds Currant money to make his Lawful appeareance before s^d Councill in order to discharge his dutie and quit him self of all Charges that hath accrewed for the Releife of his s^d father and Jn default of his s^d appeareance y^e s^d—sum shall or may be Recovered against me y^e s^d Joseph dalie. in any of his majestyes Courts of Justice in new England: as witness my hand y^e day and yeare aboue s^d 100 [signatures omitted].

May y^e 10th: 1718: It being saterday the Councill is a gaine in being: Joseph Dalie made no appeareance. Voated and ordered that John Dailie shall be and Continue with his daughter Abbigail vntill the Councill takes sum further order for his Releif

Voated and ordered that there shall be a writ Taken out against Joseph Dalie to socure him on his Esstate for the Releif of his father persueant to the aboue Obligation¹⁰¹

*June y^e 9th 1718: It being munday the Councill is a gaine in being—*Morris Brooks hath vndertaken and promised to Take his father in Law John Dalie and prouide for him one whole yeare for the sum of six pounds: :—and Joseph Dalie hath Promised to pay three pounds and ten shillings of s^d sum in money to the s^d Morris Brook for his part of the Releif of his s^d father for that s^d yeare: and the s^d Brock hath accepted of his promise there in accordingly—and Joseph dalie doth also promise to giue his s^d father a new shirt.¹⁰²

October y^e 5th 1719 It being munday the Councill is againe in being: Concerning Cap^t Dexters Esstate Voated and ordered that Will^m Harris Towne Treasurer shall demand and take the Apparrill of Sam^l Meades/ deceased of Benjamin Whipple/Jn order to Jmproue them to y^e Releif of John Dalie and also to Take

⁹⁸ *Early Records of the Town of Providence*, XII, 34.

⁹⁹ *Ibid.*, pp. 35–36.

¹⁰¹ *Ibid.*, p. 43.

¹⁰⁰ *Ibid.*, pp. 42–43

¹⁰² *Ibid.*, p. 44.

the s^d Charles Beers was as free to be bound an apprentis now as though theire Niuer had bin any Jndenture made Concerning |him|s^d beers [Signatures omitted.]

Where vpon Jt is voated and ordered that mr Nicholas Power and Richard Waterman Clerke shall sign an Jndenture of the aboue Named Charles Beers: vnto the Widdow Mary Arnold in the same Tennure as the Jndenture was of which was giuen to y^e afore s^d Stephen Arnold Excepting only that there is fifty shillings abated out of the sum of the six pounds the s^d Beeres was to haue of y^e s^d Stephen Arnold: the Which sum of fifty shillings was abated by Reason of the Charge the s^d Mary Arnolds husband had bin att for the Cureing the s^d Beers of a Greuious Mealidy he had bin visited with.¹⁰⁷

December y^e 16th 1721 being saterday the Councill is againe in being: By Reason Benjamin Beers son of Benjamin Beers deceased Js deemed to be non-compousmentus the Councill hath thought fitt by the Request of Peter Balloue Jun^r that the s^d Peter Balloue shall or may Assigne ouer the s^d Benjamin Beers his Apprentis to m^r Jonathan Spreaque Jun^r and that the part of the Jndenture where by the s^d Apprentis is bound: Concerning his Larneing a trade shall be no ways binding—

And it is also voated and ordered that the Reail Esstate that Benjamin Beers deceased, dyed possessed with in this Town of Prouidence; the whole proffitt and produce there of be to the only proper vse benefitt and be hoofe of the s^d Jonathan Spreaque for the Releiff of the s^d apprentis Benjamin Beers: for the time being provided he take an assignement of him.¹⁰⁸

March y^e 10th 1721/2 Jt being saterday the Councill is againe in being: Vpon the petion of Peter Balleu Jun^r Concerning his Keepeing of Benjamin Beers: vpon Mature and weighty Consideration Jt is ordered and Enacted that M^r Richard Browne shall pay vnto the said Peter Ballaeu the sum of fiae pounds out of the proffits and Rents of the Reail Esstate|that was in the possession of Benjamin Beers deceased: toward the satisfieing the s^d Peter Ballaeu for the Charge he hath bin att in keepeing the said suruiueing Benjamin Beers.¹⁰⁹

february y^e Last day anno Dom 1719|20 The Towne Councill Reaconed with John Bullock Concerning Benjamin Beers deceased his Esstate and the Lands he Jmproued

	68-16- 2	23-02-0
	26-05- 0	3-03-0
The total	42-11- 2	26-05-0
	34-14- 8	
	77-05-10	
	01-12-00	

¹⁰⁷ *Ibid.*, pp. 20-21.

¹⁰⁸ *Ibid.*, pp. 29-30.

¹⁰⁹ *Ibid.*, p. 32.

due to y^e Esstate: 78-17-10 of Benjamin Beers

Credit due to y ^e Administrator	}	00-12-00
		00-05-00
		00-17-00
		78-00-10

Debt allowed for Administration	}	50-00-00 for the bringing vp the Child
		05-00-00
		55-00-00

due to: 23-00-10: the Esstate of Benjamin Beers

After all Charges deducted the Last day of february Anno Dom—1710:20:—
there Remained due to the Esstate of Benjamin Beers deceased 23[£]-00^s-10^d¹¹⁰

13. MARY PETEETES CHILD

April y^e 4th 1724

Then Reaconed with Henry Brown Concerning his Keepeing Mary Peteetes Childe: and J Paid him forty shillings—and there Remained due to him after: att 7^s per weeke the sum of three shillings and six pence 00[£]-03^s-6^d

Richard Waterman¹¹¹

May y^e 18th day 1724:—It being munday: the Councill is againe in being

Where as Leue^{tt} Roger Burlingame hath this day appeared before the Councill and desired to be dismist of the Charge of Mary peteetes Childe that was placed with him by the Councill; :

And where as Deborah Williams wife of Nath^l Williams hath Tendred to take the Care and Charge of said Childe for a time: and will Jndeauor to vse the best | of her | skill and Experiance: and shee prosesseth to haue had Experiance: Jn Cureing of such Melides as this Childe is visseted with: and Jf shee hath suck-sess and maketh a Cure there of then to be allowed for her Charge and trouble there in: ouer and aboue the allowance of six shillings P^rweeke for the Keepeing and Attendance: as Leiue^{tt}Burlingame hath had for sum time past

The sum agreed vpon now betwixt the Councill and the said Deborah Williams: Jf the s^d Childe hath a Cure vnder her hands is that shee shall haue the sum of twenty shillings and halfe a yard of fustian.¹¹²

Att a meeteing of the Audit this 29th day of may Anno Dom: 1725

To M^r John Burton for keepeing Mary Peetes child

03-00-00¹¹³

¹¹⁰ *Ibid.*, pp. 95-96.

¹¹² *Ibid.*, p. 77.

¹¹¹ *Ibid.*, XII, 96.

¹¹³ *Ibid.*, XIII, 23.

APPENDIX V

SELECT DOCUMENTS RELATING TO THE HISTORY OF POOR RELIEF IN THE MODERN PERIOD

1. QUESTIONNAIRE USED IN STUDY OF POOR AND INSANE IN RHODE ISLAND, 1850¹

To the President of the Town Council, of the town of ——

1ST QUERY. Has your town an Asylum for its pauper poor; if so, how much land is attached thereto—what is the value of said land—and what is the cost or value of the whole establishment, including buildings.

2ND. What is the money value of its annual products.

3RD. What salary is paid for the superintendence of the Asylum.

4TH. What amount is usually appropriated by the town for the maintenance of the poor, in addition to the products of the Asylum.

5TH. If your town does not own an Asylum, what method is pursued in contracting for the maintenance of your poor.

6TH. What security for their good treatment does the town require of those who keep their paupers.

7TH. What supervision is exercised by the town over the keepers of the poor.

8TH. What is the annual sum paid by the town for the support of its poor.

9TH. What is the average number of paupers in summer, also the number in winter, as near as may be.

10TH. Has any fund or legacy been given for the benefit of the poor in your town—if so, what is its amount and who are made its trustees by the giver.

11TH. What provision is made by the town for the education of its pauper children.

12TH. What provision is made by the town for medical attendance of the poor.

13TH. Are the public poor furnished with Bibles; and what opportunities or facilities are provided to enable them to unite with their wealthier brethren in worshipping their Creator agreeably to the different sects of Christians.

2. PRELIMINARY REPORT OF THE STUDY OF THE PAUPER POOR AND INSANE PERSONS IN RHODE ISLAND MADE BY THOMAS R. HAZARD, 1850²

Thomas R. Hazard appointed commissioner by the governor of the state under an act of legislature to examine into the condition of the pauper poor & insane persons in Rhode Island asks leave to report in part, that he has attended

¹ Thomas R. Hazard, *Report on the Poor and Insane in Rhode Island*, pp. 9-10.

² MS, Reports, 1847-52 (Archives, State House, Providence, R.I.).

to the duties of his appointment so far as to visit most of the almshouses & asylums in the several towns & has furthermore addressed a circular of inquiries to the authorities of the different towns which when all answered will with other information he is desirous of obtaining enable the sd commission to make a full report at the next session of the legislature. In furtherance of which design & in order to enable the legislature to understand more thoroughly the wants of legislation in behalf of a class of helpless persons within our state whose rights have as is believed in many cases been unfeelingly trampled upon, he would most respectfully but earnestly request that an hour be set apart at the present session of the legislature to hear the testimony of Joshua Babcock a sane & sensible pauper of the town of Westerly.

East Greenwich 10 mo. 29th 1850

Thomas R. Hazard

To the Legislature of the State of Rhode Island

The undersigned respectfully asks leave to state that he yesterday called upon Joshua Babcock with the summons granted by you requiring his appearance at the bar of your house to testify what he knows relative to the condition and treatment of the public poor in this state & regrets to have found said Babcock unable through old age and infirmity to bear the fatigues of the journey. Believing that such terrible acts of cruelty as the sd Joshua Babcock alleges to have occurred should be exposed to the public to deter like outrages in future the undersigned would respectfully request that the following statement taken from the lips of said Joshua Babcock and afterwards read to him by the undersigned & deliberately affirmed to be true in all its parts by sd Babcock, may be read before your body & referred to a future session for further consideration or otherwise disposed of as your body may think expedient.

East Greenwich 10 mo. 30 1850

Thomas R. Hazard

I lived with William Chapman two & a half years. I went to Mr. Hiscox's for Tanner Crumb on a Sunday to get him some gin. When I came back Chapman said I was in liquor and swore that I should eat the supper or he would kick my guts out. I didnt want the porridge for my supper having eat the same for both breakfast & dinner before. I refused to eat it. Bill Chapman took hold of one ankle and Rowse Chapman his brother took me by one arm and dragged me through the west room into the poorhouse entry and from there up the stairs & kicked me in the side a number of times, broke three of my ribs & cracked another, the least cold I now get settles there, next morning I went to Paul Babcocks one of the council & told him of it & he laughed about it & that was all that was said. I then went up to Sheffield in Massachusetts about 150 miles from Pawcatuck bridge & in about a year came back to Chapman. I think he froze several to death on account of the poorness of the bed & clothes which were not fit to put over a hog and the windows being out for 3 or 4 nights in as cold weather

as any in the winter, those persons were Arnold Crumb & wife both very old. I heard that Crumb was over 90 & his wife I should say was over 80. Lizzy Brown an old woman, Lewes Clarke an old man a cripple Lawton Ross I should say 75. I want there when they all died, but I think that they nearly all died on account of the cold and not having sufficient covering. He—Wm. Chapman & his wife used to abuse Polly Bromly an insane woman shamefully by knocking her around and driving her out in the winter, in the snow, bare-legged & bare-footed to bring in wood & water, her main clothing being about enough to cover her nakedness only. I never had a rag of clothes given me at Chapmans from him or the town. I heard by the people in the house that Wm Chapman broke Sarah Wilcox's leg. I believe that it was never set. She never got so as to use it again whilst I knew her. I cannot say when she died but think it was soon after I left Chapmans to come to Mr. Larkins. He used to box Betsy Rathbone round & kick her. She was a kind of foolish & deformed creature. I heard Chapman say she was 27 years old. When the council men or other men came they used to dress Betsy Wells a deranged woman up in Mrs. Wilcox's clothes & when they were gone they were taken off again. He used to drag John Davis an old man as much as sixty years old up stairs with a rope & kept him there in the cold for days and nights together until he died, having one of his legs frozen before he died. I was in the chamber when he fetched his last gasp—he died before midnight, with no person watching with him & he lay until the sun was 2 or 3 hours high in the morning, on a very cold morning before they came to him. The same day that they found him dead Bill Chapman Rouse Chapman and Tanner Crumb buried him. Wm Chapman used to keep the chamber where Davis and other old people slept, locked up day & night so that they could not come down.

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